THE WORKS OF SIR WILLIAM JONES

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OF

SIR WILLIAM JONES.

IN SIX VOLUMES.

VOL. IV.

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CONTENTS

TO

THE FOURTH VOLUME.

THE

CONTENTS TO THE FOURTH VOLUME.

PAGE

THE MOALLAKAT; OR, SEVEN ARABIAN POEMS, WHICH WERE SUSPENDED ON THE TEMPLE AT MECCA.

POEMS, CONSISTING CHIEFLY OF TRANSLATIONS FROM THE ASIATICK LANGUAGES.

The

CONTENTS TO THE FOURTH VOLUME.

THE SPEECHES

OF

I S Æ U S

IN CAUSES CONCERNING THE LAW OF SUCCESSION TO PROPERTY

AT

A T H E N S,

WITH

A PREFATORY DISCOURSE,

NOTES CRITICAL AND HISTORICAL,

AND

A COMMENTARY.

THE

EPISTLE DEDICATORY

TO

The EARL BATHURST.

My Lord,

If I were not fully apprized of Your Lordſhip's contempt for that ſervile and adulatory ſtyle, in which patrons of eminent rank are too frequently addreſſed; yet my own habits and ſentiments would ſufficiently ſecure You from the uneaſineſs, which panegyrick moſt ſenſibly gives to thoſe who moſt highly deſerve it; nor ſhould I indeed have been ambitious of obtaining any protection for the following work, which muſt ſucceed or fail by its own worth or demerit, and cannot be ſupported by the ſplendour of a name, if the obligations, which Your Lordſhip has conferred on me, were not of ſuch a kind, as to call aloud for the moſt open and the warmeſt acknowledgement.

On ſuch an occaſion, it might perhaps be pardonable to deviate a little from my former principles, and to delineate Your Lordſhip's character in juſt, yet glowing, colours; eſpecially as my own certain and perſonal knowledge of it has given me the power of drawing it to the life; and, if one of two groundleſs imputations muſt neceſſarily be incurred, I ſhould prefer the ſuſpicion of being a flatterer to the charge of being ungrateful; but I muſt not forget that it is Yourſelf, whom I

am

am addreſſing, and I could not write to You with pleaſure what I knew You would read with pain.

I check myſelf, therefore, my Lord, with reluctance, and abſtain from thoſe topicks, to which the overflowing of my zeal would naturally impell me; but I cannot let ſlip this opportunity of informing the publick, who have hitherto indulgently approved and encouraged my labours, that, although I have received many ſignal marks of friendſhip from a number of illuſtrious perſons, to whoſe favours I can never proportion my thanks, yet Your Lordſhip has been my greateſt, my only, Benefactor; that, without any ſolicitation, or even requeſt on my part, You gave me a ſubſtantial and permanent token of regard, which You rendered ſtill more valuable by Your obliging manner of giving it, and which has been literally the ſole fruit that I have gathered from an inceſſant courſe of very painful toil; that Your kind intentions extended to a larger field; and that You had even determined to reward me in a manner the moſt agreeable both to my inclinations and to the nature of my ſtudies, if an event, which, as it procured an acceſſion to Your happineſs, could not but conduce to mine, had not prevented the full effects of Your kindneſs.

It might here become me to ſuppreſs, what I cannot however perſuade myſelf to conceal, that Your Lordſhip was pleaſed to aſſign the moſt flattering reaſons for Your intention, and to declare that You deſired my promotion both for my own ſake, and for that of the publick; the firſt of which motives I aſcribe to Your candour and the goodneſs of Your heart; the ſecond, which I am wholly unconſcious of deſerving, I can impute only to Your ſingular benignity and indulgence.

As a benefit intended is the ſame in my opinion with a benefit conferred, my obligation to Your Lordſhip is perfectly equal; and this ſentiment,

ſentiment, I entreat You to believe, no change of ſituation can alter, no length of time can obliterate. I had a friend, my Lord, who knew my gratitude for the former inſtance of Your kindneſs; and He indeed was entitled to ſome ſhare of it, as it was He, who procured me the honour of being known to Your Lordſhip: with Your late favours, unhappily for me, and unhappily for all who were connected with him, he did not live to be acquainted.

Your Lordſhip perceives that I ſpeak of Sir JAMES PORTER; whom You alſo called your friend, and by whom You were moſt truly eſteemed and reſpected. He was a man, whoſe ſocial virtues were ſo tranſcendent, that his life was ſpent in perpetual exertions of them, and not a day of it elapſed without ſome intention ſincerely expreſſed, or ſome act zealouſly performed, for the pleaſure or advantage of another; nor were his talents inferiour to his benevolence; for, during his embaſſy at CONSTANTINOPLE, where he gained a perfect acquaintance with the manners of the extraordinary people among whom he reſided, his addreſs and activity were ſo properly exerted, that the intereſts of our mercantile body were never better ſecured, nor the honour of our nation better ſupported. Of uſeful, as well as ornamental, knowledge, both in literature and ſcience, he had conſiderably a greater portion than is uſually poſſeſſed by men of the world; and, while he was effectually ſerving his country as a miniſter, he juſtly acquired the reputation of a ſcholar. One part of his character was no leſs amiable than uncommon: ſo totally free was he from envy, the vice of little ſouls, that he was always eager to encourage the appearance of literary merit, whereever it could be found; and, if any perſon had cultivated a particular branch of learning more aſſiduouſly than himſelf, he took a real pleaſure in receiving information, and, what was ſtill more rare at his age, in renouncing ancient prejudices, and retracting opinions which he allowed to have been precipitately formed.

But

But it is needleſs to expatiate on his excellent qualities, which were known to Your Lordſhip, as well as to many of Your common friends; and I need only add, that his well ſpent life would have been completely happy, if it had laſted until he had ſeen You retire with dignity from the high office which You ſo long filled with honour, and had been witneſs of the ſplendid tranquillity which you now enjoy.

The nature and ſcope of the following work, which I had before imparted to Him, I took the liberty of explaining alſo to Your Lordſhip; and, if the execution of it were conformable to the deſign, I might flatter myſelf, that it would obtain your approbation: it has antiquity at leaſt to recommend it; and, whatever opinion Your Lordſhip may juſtly entertain concerning the general utility of minute philological reſearches, yet You will be convinced, that ancient literature, properly directed, may be applied to many uſeful purpoſes beyond thoſe intended at the ſchool or the college.

Among other things, You will remark with ſatisfaction, that, how much ſoever the old ſtates of Greece might have ſurpaſſed us in the productions of art and genius, yet the adminiſtration of juſtice, on which our common ſecurity depends, now flows in a purer ſtream at Weſtminſter, than formerly at ATHENS; for the Archon ſat in a tribunal, where every caſe was generally decided by a kind of political law, to which no precedents were applied, and from which no rules were deduced; whereas Your Lordſhip preſided in a court, where the great boundaries of property are not only diſtinct and viſible, but irrevocably fixed, where nothing is vague or precarious, nothing left to diſcretionary interpretation, but where Your predeceſſors wiſely eſtabliſhed, and Your Lordſhip nobly maintained, a beautiful ſyſtem of liberal juriſprudence, which, while it ſecures many important rights of our countrymen, contributes to the glory of our country itſelf by attracting the admiration of all mankind.

The

The laws of ENGLAND are the proper ſtudy of Engliſhmen; but they always ſhine with greater luſtre, when they are compared with thoſe of other nations; and, as Your Noble Father conſtantly admired the eloquence of Demoſthenes, ſo I am perſuaded that Your Lordſhip will not be diſpleaſed with the ſpeeches of an orator, whom Demoſthenes himſelf both admired and imitated: if I ſhould not be deceived in this expectation, I ſhall gain a ſufficient reward for my trouble in tranſlating him, and ſhall feel Your Lordſhip's approbation of my paſſed, to be the ſtrongeſt incentive to future, labours.

I am, my Lord,

with unfeigned reſpect,

Your Lordſhip's

moſt obliged and

moſt grateful ſervant,

WILLIAM JONES.

THE

PREFATORY DISCOURSE.

THERE is no branch of learning, from which a ſtudent of the law may receive a more rational pleaſure, or which ſeems more likely to prevent his being diſguſted with the dry elements of a very complicated ſcience, than the hiſtory of the rules and ordinances by which nations, eminent for wiſdom and illuſtrious in arts, have regulated their civil polity: nor is this the only fruit that he may expect to reap from a general knowledge of foreign laws both ancient and modern; for, whilſt he indulges the liberal curioſity of a ſcholar in examining the cuſtoms and inſtitutions of men, whoſe works have yielded him the higheſt delight, and whoſe actions have raiſed his admiration, he will feel the ſatisfaction of a patriot in obſerving the preference due in moſt inſtances to the laws of his own country above thoſe of all other ſtates; or, if his juſt proſpects in life give him hopes of becoming a legiſlator, he may collect many uſeful hints, for the improvement even of that fabrick which his anceſtors have erected with infinite exertions of virtue and genius, but which, like all human ſyſtems, will ever advance nearer to perfection and ever fall ſhort of it. In the courſe of his enquiries he will conſtantly obſerve a ſtriking uniformity among all nations, whatever ſeas or mountains may ſeparate them, or how many ages ſoever may have elapſed between the periods of their exiſtence, in thoſe great and fundamental principles, which, being clearly deduced from natural reaſon, are equally diffuſed over all mankind, and are not ſubject to alteration by

any change of place or time; nor will he fail to remark as ſtriking a diverſity in thoſe laws, which, proceeding merely from poſitive inſtitution, are conſequently as various as the wills and fancies of thoſe who enact them: ſuch, among a thouſand, are the rules by which the poſſeſſions of a perſon deceaſed, whether ſolid and permanent, or incorporeal and fluctuating, are tranſmitted to his heirs or ſucceſſors, and which could never have been ſo capriciouſly diverſified, if they had been founded on pure reaſon, inſtead of being left to the diſcretion of every ſociety, for whoſe convenience they are calculated.

Sir MATTHEW HALE, to whoſe learning and diligence the preſent age is no leſs indebted than his contemporaries were to his wiſdom and virtue, ſeems to have approved the ſtudy which I recommend; and, in his Hiſtory of the Common Law, has given a ſummary of the rules which prevailed among the ancient Hebrews, Greeks, and Romans, concerning the hereditary tranſmiſſion of property; but, as he profeſſed to touch very ſhortly on that ſubject, and was contented with tranſcribing the verſion of Petit, without having recourſe to the authors by whom the originals are preſerved and explained, his account of the Attick laws is remarkably ſuperficial and erroneous. He complains, that the text is very obſcure: it is, indeed, as he cites it, not only dark, but corrupt; and the ſenſe, which he collects from it, is by no means perſpicuous. A deſire of removing this obſcurity, and of ſupplying a defect, however unimportant, in the work of ſo great a man, firſt induced me to renew my acquaintance, which had been for many years interrupted, with the Athenian orators, from whoſe private ſpeeches I had reaſon to expect the cleareſt light on the ſubject of inheritances; and I preſently recollected one of them, whoſe remains I had ſeen when I was a boy, but had been deterred, like many others, from reading them, by the difficulty of the forenſick terms, which occurred in almoſt every page.

This

This was ISÆUS, a lawyer of the firſt claſs at Athens, and an advocate, as the ancient criticks agree, of a ſtrong original genius; but, as his works muſt have been dry, if not unintelligible, to the herd of grammarians and philologers, by whom the old monuments of Grecian learning were ſaved from deſtruction, they ſeem to have been greatly neglected; for, out of at leaſt fifty of his genuine ſpeeches, which were extant in the ninth century, ten only remain; and theſe, as they all relate to the Athenian laws of hereditary and teſtamentary ſucceſſion, and give abundant ſatisfaction upon that head, I here preſent to the ſtudent of our Engliſh laws in his native language, not doubting but that they will yield him the ſame entertainment which they have afforded me: ſince, however, he will naturally expect ſome account of an author, with whom ſo few are acquainted, I will endeavour, before I reſume the ſubject of the Attick laws, to ſatisfy his expectations; having firſt apprized him, that this ancient orator muſt be carefully diſtinguiſhed from another of the ſame name, who ſeems to have flouriſhed at Rome in the reign of Trajan or Domitian; for he is highly extolled in a ſet epiſtle by the younger Pliny, and incidentally by Juvenal, as a wonderfully rapid ſpeaker, and a ſketch of his life is drawn by Philoſtratus, who calls him an Aſſyrian, and adds, that in his youth he was extremely addicted to the pleaſures of love and wine, and was remarked for the foppery of his dreſs, but that he afterwards changed his courſe of life, and became, as it were, a new man; it is evident, that the declaimer, of whom they ſpeak, had nothing in common with my author but the volubility of his language, and his name, which was probably aſſumed, as that of Iſocrates alſo was taken by one of the later ſophiſts who wrote the inſtructions to Demonicus.

ISÆUS, the maſter of Demoſthenes, and the true fountain of that eloquence which afterwards flowed with ſo impetuous a ſtream, is by ſome ſuppoſed to have been a Chalcidian, and by others, with greater appearance

appearance of probability, an Athenian: but whatever country may claim the honour of being his birth-place, it is certain that he was educated at Athens, where he became famous as a pleader of causes after the close of the Peloponnesian war. The time of his birth may be nearly ascertained by reasoning from the known or supposed dates of his speeches; for that on the estate of Dicæogenes appears to have been delivered in the fourth year of the ninety-seventh Olympiad, or two thousand one hundred and sixty-six years ago; now it is very probable that he was then at least in his twenty-seventh year; for it has been remarked, that both Demosthenes and Cicero began to distinguish themselves at that age; and Dionysius, on a similar occasion, supposes that Dinarchus must first have spoken in publick at the age of twenty-five or twenty-six; whence we may fairly conclude, that Isæus was not born after the ninetieth Olympiad; and we can hardly believe that he was much older, since he certainly continued to flourish as an advocate, and composed the speech on the estate of Hagnias, after the beginning of Philip's reign. If this computation be just, he could not have been regularly a pupil of Isocrates, who was born in the first year of the eighty-sixth Olympiad, but, according to the best accounts, did not open his school till the archonship of Lysistratus, when Isæus was at least in his forty-eighth year, and in the height of his reputation: it is not, indeed, improbable, and no more, perhaps, than this was meaned by Hermippus, that he might occasionally attend the lectures of so renowned a master; but it is certain, that he took pupils himself at that very time; for Demosthenes, who was then but twelve years old, and who soon after deliberated on the choice of an instructor in the art of speaking, preferred him to Isocrates, not from any difference in the prices of their instructions, as it is vulgarly supposed, but from a well-grounded opinion, as Plutarch justly imagines, that the style and manner of Isæus were more forcible, and better adapted to the purposes of real life, than the fine polish, elegant turns, and sweet numbers, which

Isocrates

Iſocrates taught with ſo much refinement. This ardent and nervous diction which Demoſthenes admired, he imitated alſo with ſuch ſucceſs, that in his ſeventeenth year he pronounced the ſpeeches now extant againſt his guardian Aphobus, and not long after delivered the two againſt Onetor, which ſome of the old criticks ſuppoſe to have been written, or at leaſt corrected, by his maſter: we may trace, indeed, the manly features of the inſtructor in thoſe and ſeveral other compoſitions of the illuſtrious pupil, whoſe orations on publick affairs, with which Iſæus never interfered, exhibit ſo noble a ſpecimen of true eloquence, that the palm has been by univerſal conſent given to him as the firſt orator of Greece; yet his private ſpeeches are not ſuperior in force or beauty to thoſe of his teacher, who would probably have thundered with equal energy in the aſſembly of Athenian citizens, if his temper and inclination had not induced him to prefer the certain advantages of a very uſeful profeſſion to the precarious favours which the giddy populace beſtow and reſume at their pleaſure. This, however, is no more than conjecture; for even the profound antiquary and excellent critick, DIONYSIUS, who has left us an admirable treatiſe on the ſtyle of Iſæus, profeſſes a total ignorance of his life and conduct in civil affairs; but it is obvious, that, if he had taken any part in adminiſtration, and harangued the people on important occaſions, a man of his great capacity and application muſt ſoon have been diſtinguiſhed by his contemporaries, and would have been mentioned with applauſe by the hiſtorians of his country. My opinion is likewiſe confirmed by the titles of his genuine ſpeeches preſerved by Harpocration, Pollux, and Apoſtolius, not one of which appears to have been delivered on any national queſtion; and this may be the reaſon, why moſt of the ancients, who are ſo copious in praiſing the ſmoothneſs of Iſocrates, the graces of Lyſias, the ſounding periods of Æſchines, the dignity of Lycurgus, the united force and elegance of Hyperides, ſay nothing of Iſæus; for all the others were eminent in publick life, or at leaſt compoſed orations on ſubjects of

of a publick nature: thus Lyſias added to his other excellent qualities an ardent zeal for liberty, and raiſed five hundred men at his own expenſe for the ſervice of the ſtate, in expelling the thirty tyrants, and reſtoring the popular government, which he ſupported alſo by his eloquence; and Iſocrates laboured ſucceſsfully to unite the Greeks in a common cauſe againſt their old enemy the king of Perſia: the political conduct of Æſchines, Lycurgus, Hyperides, is generally known; and, although Dinarchus would not perhaps have attained much celebrity by the ſtrength of his own genius, yet he has acquired a rank among the ten orators of Athens by his aſſiduous imitation of the great man, whom he could not but admire, even when he impeached him: as to Andocides, his offences and misfortunes would have preſerved his name, if his harangue on a peace with the Lacedæmonians had been loſt; and, if Antipho had left no ſpeeches in criminal caſes, yet the place, which Thucydides, who is thought to have been his pupil in rhetorick, has given him in the hiſtory of the Peloponneſian war, would have rendered him ſufficiently illuſtrious; ſo that, of all the ten, Iſæus alone appears to have confined his talents to the narrow limits of the bar and the compoſition of forenſick arguments; which, however intereſting to lawyers, cannot be ſuppoſed to attract the notice of ſcholars in general ſo much as the pompous and ſolemn orations on treaties and embaſſies, or the various events of an obſtinate war. After all, one cannot help wondering, that, although Dionyſius lived in the very age of Cicero, and was copied almoſt too cloſely by Quintilian, yet the name of Iſæus is not particularly diſtinguiſhed in the rhetorical pieces of the two Romans: for this omiſſion I can no otherwiſe account than by aſcribing it to inadvertence or to accident; and by obſerving, that the fame of the Philippicks was ſo ſplendid as not only to eclipſe the reputation of a mere advocate, but even to diminiſh the attention due to the other productions of Demoſthenes himſelf, whoſe private ſpeeches have been almoſt as much neglected as thoſe of his maſter.

This

This is all that I have been able to collect concerning the life of ISÆUS, and I now proceed to diſcourſe more at large, but without prolixity, on his profeſſional character and the ſtyle of his oratory, not meaning to anticipate the judgement of the publick on the following ſpeeches, but intending to ſhow in what eſtimation he was holden by the Grecian criticks, and principally by the Halicarnaſſian, the moſt learned of them all; from whom, however, I ſhall more than once take leave to diſſent.

Firſt, it is hard to conceive, why Dionyſius, in the very beginning of his treatiſe, the ſole object of which was to diſplay the peculiar excellence of Iſæus and the originality of his genius, ſhould aſſert, that he was chiefly illuſtrious for having given inſtructions to Demoſthenes: this is not only contradictory, but the fact itſelf is ſo far from being true, that, if his pupil had never been born, his reputation would probably have been greater, and he would have been reckoned the firſt orator of his age, or at leaſt the next to Hyperides; for the judicious Hermogenes, whoſe rhetorical tracts are fortunately preſerved, places him far above Lyſias, and below none but Demoſthenes, in that mode of ſpeaking which he calls *popular*, and which alone ſeems to be calculated for real ſtruggles in active life, where genuine eloquence has the fulleſt room to expand herſelf in bright and natural colours. It is ſurprizing too, that Iſæus ſhould all along be repreſented as the imitator of Lyſias by the very author who expreſsly calls him, in his account of Dinarchus, *the inventor of his own original ſtyle:* he could not, indeed, but admire ſo fine a compoſer, who was about forty years older than himſelf, and had long enjoyed a very flouriſhing reputation: he muſt have ſtudied the compoſitions of Lyſias, and poſſibly began with imitating them; but finding them too ſoft and delicate for his forenſick combats, which required ſtronger nerves and harſher features, he changed his courſe, and, taking nature alone for his guide, diſcovered and purſued

ſued a new ſpecies of eloquence, which Demoſthenes carried to ſuch perfection, that no mortal will ever ſurpaſs, nor perhaps equal, him, until the ſame habits of induſtry and ſolidity of judgement ſhall be found united in one perſon with the ſame fire of imagination and energy of language. One thing we muſt neceſſarily take to be true on the credit of Dionyſius; that many ſpeeches of Iſæus were hardly diſtinguiſhable from thoſe of Lyſias; but they might have been his earlieſt productions, or the ſubjects of them might have required a ſofter and more ſimple ſtrain.

The true compariſon between Lyſias and Iſæus appears to be this: purity, accuracy, propriety, conciſeneſs, perſpicuity (in the perfect mixture or rather union of which Hermogenes makes the popular ſtyle conſiſt), were common to both of them in an equal degree, and both poſſeſſed that roundneſs of expreſſion, to which nothing could be added, and from which nothing could be removed without deſtroying its juſtneſs and ſymmetry; but the orations of Lyſias had all that ſweet ſimplicity, that exquiſite grace, that clearneſs, and, as it were, tranſparency, which characterized the genuine Attick diction, and which may be more eaſily conceived than defined, admired than imitated; for it is analogous to gracefulneſs in motion, to melody in a ſeries of ſounds, and to beauty in the moſt beautiful of all viſible objects, the human form: the lineaments of Iſæus were more dignified and manly, and his graces rather thoſe of Mars than of Adonis; for Dionyſius obſerves, that his figures were ſtronger and more various, his compoſition more forcible and impetuous, and that he ſurpaſſed Lyſias in ardour and vehemence, as much as Lyſias excelled him in ſimple and natural charms. In reſpect to the form and order of their ſpeeches, there appears to have been infinite art in both thoſe orators; but the Critick repreſents the art of Lyſias as more ſubtile and recondite, that of Iſæus as more eaſily diſcoverable: according to him there was hardly a ſpeech of my author,

which

which had not the appearance of being premeditated and moulded into a faſhion the beſt adapted to the purpoſe of winning the minds of the jurymen, and of ſeducing their reaſon, if he could not convince it; but this alſo we muſt take in great meaſure upon truſt, for ſcarce any traces of this open and apparent art, with which both Iſæus and his pupil were reproached, are viſible to us in their compoſitions, which breathe the ſpirit of truth and juſtice, and ſeem to have been dictated by nothing more than a natural animation. We may argue, however, as long as we pleaſe: it is certain, that both Iſæus and Demoſthenes had the reputation of being extremely ſubtile advocates, a reputation by no means favourable at the bar, as it always diminiſhes and frequently deſtroys the confidence of the jury, who, through a *fear of being* deluded, are apt to ſuſpect a ſnare in every argument of ſuch a ſpeaker: it is no *leſs* certain, that, in this reſpect, the ancients allowed the ſuperiority of Lyſias over all pleaders of cauſes who ever exiſted; for no artful arrangement appeared in his ſpeeches, no formal diviſions, no technical mode of reaſoning; but he opened his caſe with a plainneſs that captivated his audience, whilſt it enlightened them; ſo that, if Truth herſelf had aſſumed a human voice and form, ſhe could have uſed no other language. Demoſthenes and Iſæus, without having any thing forced or unnatural in their productions, took more pains than Lyſias in preparing the minds of the judges; in relating the facts which gave birth to the litigation; in dividing the parts of their addreſs to the court; in marſhalling their evidence; in diſpoſing and enforcing their obſervations; in digreſſing without deviation; in returning to the ſubject without abruptneſs; in amplifying; in aggravating; in extenuating; and, as Dionyſius ſays particularly of Iſæus, in attacking their adverſaries, laying cloſe ſiege to the underſtandings, and ſtorming the paſſions, of the jury; not omitting any thing that might tend to ſecure the fruit of all *forenſick* labours, a verdict or judgement for their clients: for this purpoſe, if the cauſe was weak, no inſinuation, no addreſs, no contrivance, was neglected by Iſæus in order to ſupport it; but, when he happened to have juſtice on

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his ſide, his method ſeems to have been admirable. His manner of opening was various, according to the great variety of cauſes in which he was employed; ſometimes he told his ſtory in a natural order, with conciſeneſs and ſimplicity, without preparation, without ornament, without any mixture of argumentation; ſometimes he divided a long narration into ſeveral heads, proving each of them, as he went along; a method, of which he ſeems to have been fond, and which could not but conduce to the perſpicuity of his ſpeeches: in all caſes he made frequent uſe of that oratorial ſyllogiſm, which logicians call *epichirema*, where the premiſes are reſpectively proved by argument or evidence before the ſpeaker draws his concluſion; while the *enthymema*, in which one propoſition is *ſuppreſſed*, appears to have been more agreeable to the manner of *Lyſias*; and Dionyſius, indeed, mentions this as a ſtrong mark of diſcrimination between the two advocates. His other modes of arguing, his anticipations, recapitulations, digreſſions, inverſions, variations, tranſitions, were all happily and ſeaſonably applied in conformity to the diſpoſition of his judges, and the nature of each particular caſe; and here I cannot forbear adding the ſketch of a ſpeech, now unfortunately loſt, againſt ARISTOGITON and ARCHIPPUS, which the illuſtrious critick, whom I have ſo frequently cited, has given us as a ſpecimen of my author's method.

It was a cauſe, in which the brother of a perſon deceaſed, claiming a right to the ſucceſſion, called upon a ſtranger for a diſcovery and ſurrender of the perſonal eſtate remaining in his hands: the defendant pleaded to the bill, that the defunct had bequeathed his perſonalty to him; and hence aroſe two queſtions; firſt, an iſſue of fact, Whether any ſuch bequeſt had been made or not; and, ſecondly, an iſſue of law, Who was entitled to the poſſeſſion of the goods in diſpute pending a ſuit concerning the exiſtence or validity of the will. Iſæus, therefore, began with explaining the general doctrine on that ſubject, and demonſtrating in particular, that *a deviſee cannot legally poſſeſs the property deviſed,*

viſed, until his right be judicially eſtabliſhed; a point of Athenian law, which the reader will find illuſtrated in one or two of the following ſpeeches: thence he paſſed to an inveſtigation of the fact, and contended, that no will at all had been made by his brother; and this he proved, not by a ſimple and continued relation of events, but, his narration being neceſſarily long, he diſtributed it into ſections, calling witneſſes, as he proceeded, to each head, producing his written evidence, as occaſion required, and corroborating the whole with a number of arguments drawn from all the circumſtances of the cauſe, which he ſupported.

Various other examples are cited by Dionyſius from the works of both orators in illuſtration of his criticiſm; and they are all ſo appoſite, that I ſhould be glad to entertain the Engliſh reader with them, if it were not almoſt impoſſible to convey in our language an adequate notion of the nice diſtinction between the different originals: it is very poſſible, I hope, to give in a tranſlation ſome general idea of an author's peculiar manner, and the caſt of his compoſition; but it would be no eaſy taſk to find words and ſentences exactly correſpondent with the Greek, and to pronounce that, if Lyſias and Iſæus had been Engliſhmen, the firſt would have ſelected ſuch a word or ſuch a phraſe on account of its ſimplicity, which the other would have rejected in favour of one more energetick and ſonorous. The diverſity between them, in regard to the diſpoſition of their arguments, might, indeed, be made plainly diſcernable in any other tongue; but, after full conſideration, I reſolved to ſubjoin the fragments of Iſæus, without tranſlating any of Lyſias, eſpecially as moſt of his orations may now be read in Engliſh, with no leſs pleaſure than advantage, by any one who ſhall think proper to compare him with my author. Had more of their productions been preſerved, we ſhould have ſeen more clearly the propriety of the compariſon with which the critick of Halicarnaſſus illuſtrates his obſervations; for he declares his opinion, that the ſpeeches of Lyſias reſemble ancient pieces of painting in the ſimplicity of their colours and the graceful cor-

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rectneſs of their outlines, while thoſe of Iſæus are like the more modern pictures, which are leſs accurately drawn, but finiſhed with bolder ſtrokes of the pencil, decorated with a greater variety of tints, and enlivened with a ſtronger oppoſition of light and ſhade.

On the whole, the orator Pytheas might have reproached Demoſthenes with ſome reaſon for having transferred into his practice and manner of ſpeaking the artifices and ſubtilty of his maſter; but Dionyſius himſelf may go too far, in ſaying that the conſummate art of Iſæus and his pupil made them liable to ſuſpicion, even when truth and equity were on their ſide, while the plainneſs of Iſocrates and Lyſias gave even a bad cauſe the colour of juſtice and reaſon; as if a glowing and rapid ſtyle, or a juſt arrangement of topicks, could have been ſuſpected of impoſture more than the ſly inſinuating air of candour and openneſs, which the moſt artful men often aſſume.

I cannot leave this ſubject, without combating in few words an opinion of Cicero intimated in all his rhetorical pieces, and expreſſed very roundly in that little fragment, which ſeems to have been part of a preface to his tranſlation of Demoſthenes and Æſchines for and againſt Cteſipho, but the authenticity of which was doubted by Manutius. It begins with a poſitive aſſertion, that "there are no diſtinct ſpecies of oratory, as there "are of poetry; that, although a tragick, and epick, and a lyrick, poet "may be all equally perfect in their ſeveral ways, yet that no man can "juſtly be called a ſpeaker, unleſs he unite in the higheſt degree the "powers of inſtructing, delighting, and moving, every audience on every "ſubject." A character ſo various, and a genius ſo comprehenſive, muſt neceſſarily be the object, if ever it ſhould exiſt, of general admiration; but why it is not ſufficient to call ſuch a man the greateſt, without inſiſting that he is the only, orator, or why an advocate, who never applied his talents to the ſenatorial ſpecies of eloquence, may not attain perfection in the forenſick, and ſo converſely, I am at a loſs to comprehend.

hend. *Menander*, you ſay, *would not have deſired to be like Homer*; certainly not in his comedies; *but every ſpeaker wiſhes to reſemble Demoſthenes*; as certainly not, when he is addreſſing the jury on the obſtruction of ancient lights or the diverſion of a watercourſe. The kinds of ſpeaking are different; and, though one of them be more exalted than another, yet orators, as well as poets, may in thoſe different kinds ſeverally reach the ſummit; and this analogy may be extended to all the fine arts: Myro was not a leſs perfect ſculptor in marble, becauſe he was unable probably to finiſh gems with the delicacy of Trypho; nor, to ſpeak of modern artiſts, will Rafaelle ever be degraded from his high rank among painters, becauſe he might not have been able to draw Cupids and Nymphs with the minute elegance of Albani; in the ſame manner as Demoſthenes will always be allowed to have hurled the thunder of Grecian eloquence, although he could not perhaps (whatever Tully may ſuggeſt to the contrary) have ſpoken with the ſimple graces of Lyſias. Philoſophers may refine, and logicians may diſtinguiſh, as learnedly and ſubtilly as they pleaſe; it will, after all, be true, that the eloquence of a ſenator is of a ſpecies wholly different from the eloquence of an advocate; that the two kinds ought never to be confounded; and that a complete ſpeaker before a jury or a ſingle judge may ſtrain his throat without effect in a popular aſſembly. If Cicero, indeed, meaned no more than that the title of orator ſhould be given only to one, who, like himſelf, excells all men in every way, the argument is reduced to a mere diſpute about words, which every writer may apply as he thinks proper, provided he apprize his reader of the new ſenſe in which he means to uſe them; but, ſurely, he might have aſſerted, with equal propriety, that he alone, who ſurpaſſes the reſt of mankind in every ſort of poetry, deſerves the appellation of a poet; for nothing can be more exact than the analogy between the two arts, and their near alliance is often acknowledged by the great man himſelf, with whoſe opinions I am taking ſo much liberty: had he ſaid that by the word *orator* he meaned a ſpeaker, who had cultivated every branch of

of his art, the Romans might have thought this an innovation in their language, but they would, perhaps, have adopted the definition on his authority. We are not however contending about the proper application of terms, or the abſtract idea of univerſal genius: the ſingle queſtion is, Whether there are not diſtinct ſpecies of oratory as there are of poetry, and whether a man may not be perfect in any one or more of them, without having directed his talents to the cultivation of the reſt; for the deciſion of which point, I appeal to ſuch of my readers as have heard ten ſpeeches at our Engliſh bar, and as many in either houſe of parliament. They will forgive me for having applied, and for ſtill applying, the word orator to ISÆUS, although his eloquence was wholly forenſick; and I confer this title on him with more confidence, becauſe there is reaſon to believe, that he ſometimes delivered his own ſpeeches, without confining himſelf entirely to the difficult, but leſs noble, taſk of compoſing for others; for I muſt confeſs, that I can form no idea of an orator without elocution and action, nor can the praiſe of eloquence be juſtly, or even without a ſolecism, be beſtowed on mere invention and compoſition, which conſtitute indeed the body of oratory, but ſpeech and geſture alone can give it a ſoul. Whether the remaining works of my author will juſtify the criticiſm of Dionyſius and Hermogenes, or whether my interpretation of them may not have weakened their original force, muſt be left to the impartial judgement of the reader; but this advantage will naturally reſult from my preſent publication: if the following ſpeeches ſhould be thought manly, nervous, acute, pertinent, and better in moſt reſpects than the generality of addreſſes to an Engliſh jury on ſimilar ſubjects, we ſhall have a kind of model, by which the ſtudent may form himſelf, allowing for the difference of Athenian laws and manners; and, if they ſhould appear inferior in all thoſe qualities to the ſpeeches uſually delivered by our leading advocates, we ſhall have reaſon to congratulate our age and country, and to triumph in the ſuperiority of our talents; for our leaders often make the ableſt and moſt ſpirited replies without a poſſibility of premeditation; and wonderful, in-

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deed, muſt be the parts and eloquence of thoſe, whoſe unprepared effuſions equal or ſurpaſs the ſtudied compoſitions of the ancient orators.

In whatever eſtimation ISÆUS may be holden by his tranſlator's contemporaries, it is certain that he ſtood very high in the opinion of his own; but the fate of his works has not correſponded with the fame, which they procured him, while he lived: ſince, for the reaſons before aſſigned, they were ſo much neglected in the darker ages, that no part of his fifty ſpeeches, which were extant in the time of Photius, is known to exiſt at preſent, except what this volume contains, with about a hundred detached words and phraſes explained by Harpocration and one or two other grammarians: even theſe ten ſpeeches would in all probability have periſhed with the reſt, if it had not pleaſed ſome man of letters to copy them; and it is much to be wiſhed that he had added at leaſt two more, one on the eſtate of Archipolis, and another on that of Menecles; for we ſhould then have had a complete collection of the orations called κληρικοὶ, or relating to the ſubject of legal and teſtamentary ſucceſſion. This copy, however, was repoſited in the library belonging to a monaſtery on Mount Athos, whence it was brought to Florence at the beginning of the ſixteenth century by Laſcaris, who had been ſent to Greece by Lorenzo di Medici to purchaſe manuſcripts; and it is preſerved at this moment in the Medicean collection. *Five years* after the book was in Italy, it was printed at Venice, with ſome other orations, by the indefatigable ALDUS MANUTIUS, who gives the preceding account of it in his preface; and it may be preſumed, that his edition, upon which the curious ſet a high value, is a very exact impreſſion of the manuſcript with all its inaccuracies. Towards the cloſe of the ſame century, the celebrated HENRI ETIENNE, whom we have naturalized and call Henry Stephens, reprinted the Aldine edition of the Greek orators with ſome judicious notes in the margin; but he ſeems to have taken more pains with Æſchines and Lyſias than with the others,

others, and Iſæus appeared under his inſpection with ſcarce any greater advantage than that of a very handſome dreſs: this editor, in his epiſtle dedicatory, promiſed to collect all the Attick laws with a compariſon between them and the inſtitutions of modern nations; a work, which would have thrown an advantageous light on my author, but which unhappily he never completed. Many eminent ſcholars, who afterwards poſſeſſed this elegant edition, among whom were Scaliger and Saumaiſe, ſcribbled a few haſty conjectures in the margin of Iſæus; but the world at large knew little of his ten ſpeeches for above forty years, until one ALPHONSUS MINIATUS, as he calls himſelf, undertook, in the ſeventy-third year of his age, to tranſlate them into Latin: his attempt was highly laudable; but it is clear, that he underſtood neither the language from which, nor that into which, he tranſlated; for every page of his verſion abounds with blunders ſo ridiculous, that, if any man can ſtoop to divert himſelf at the expence of another, he cannot find better ſport than by reading Miniatus; and Schott of Antwerp, who profeſſed a friendſhip for him, but muſt have known his ignorance, did wrong in ſuffering the old man to expoſe himſelf by ſuch a publication. The accurate Perizonius, whoſe diſſertations contain many excellent remarks on my author, complained ſome time after, that *the very uſeful ſpeeches of Iſæus, which his illiterate interpreter, Miniatus, had moſt unſkilfully rendered, lay ſcandalouſly neglected*; and Fabricius expreſſed his wiſh, that a very good ſcholar, whom he names, would preſent the world with a new tranſlation of them: but even theſe publick remonſtrances could not attract the attention of learned men to a work, which they thought intereſting to lawyers only; and Taylor, who publiſhed his Elements of Civil Law little more than twenty years ago, ſpeaks of my author as a writer then hardly known: "When I quoted *Iſæus*, ſays he, I would "ſuggeſt to my readers, that I mentioned an author upon many ac-"counts very valuable, but upon none ſo much as of the great light, "that he is capable of throwing upon the queſtion before us, *de jure* "*hæreditario*;

" *hæreditario*; a ſubject, in which the orations, that are left of him, " moſt remarkably abound." It is probable, that ſo ſtrong a recommendation from ſo judicious a writer produced ſome effect among the ſcholars of his time; but Iſæus was ſtill an obſcure name, till REISKE of Leipzick, about five years ago, publiſhed the originals of the following ſpeeches, together with the treatiſe of Dionyſius, in his elaborate edition of the Greek orators. As I have conſiderable obligations to this learned and laborious man, whom I mention here merely as the editor of Iſæus, without entering upon the other parts of his work, I think it better to make this general acknowledgement of them, than to moleſt the reader with a ſuperfluity of notes, eſpecially as my opinion of his particular corrections may be always aſcertained by my tranſlation of the text; and it muſt be owned, that although many of his annotations are haſty and even puerile, yet moſt of them are candid, plauſible, ingenious; and ſome of his conjectural emendations are wonderfully happy: his *interpretation*, indeed, is a prolix paraphraſe in very harſh Latin; but, as it ſhows his apprehenſion of the author's meaning, and, as that apprehenſion ſeems to be generally right, let us be ſatisfied with the utility of a performance, in which elegance was not to be expected. It is with pleaſure that I take this opportunity of giving a due ſhare of praiſe to ſo well-intentioned and induſtrious a man, who, although he was not without the pride and petulance which too often accompany erudition, ſufficiently attoned for thoſe faults by the integrity of his heart and the intenſeneſs of his application to the ſtudy of ancient literature, which his labours have conſiderably improved and promoted. To his valuable work we certainly owe the late excellent verſion of Demoſthenes and Æſchines by the Abbé AUGER, who promiſes alſo a tranſlation of my author; and, as my Engliſh Iſæus has the fortune to ſee the light before the French, I ſhall be happy if it can afford any help to ſo reſpectable a ſcholar, who, diſdaining the prejudices of an academi-

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cian, and daring to expreſs his own juſt ſentiments, has the courage to recommend the learning and language of Athens in the heart of Paris; nor ſhall I bluſh to confeſs any errors that I may have committed, and, with the aid of his interpretation, to correct my own.

As to my work, I ſhall ſay very little concerning it, but fairly ſubmit the whole to the judgement of the publick; for I never could approve the cuſtom of authors, who, in their prefatory diſcourſes, lay down rules of perfect writing, to which they inſinuate that their own productions are ſtrictly conformable. I will not, therefore, ſay with *Cicero*, if indeed he wrote the fragment beforementioned, that *I have tranſlated Iſæus not as an interpreter but as an orator*; nor with *Middleton*, who was fond of imitating Cicero, that *I have made it my firſt care, always to preſerve the ſentiment, and my next, to adhere to the words as far as I was able to expreſs them in an eaſy and natural ſtyle*... I am fully perſuaded, that there is but one golden rule for good tranſlation; which is, to read the original ſo frequently, and ſtudy it ſo carefully, as to imprint on the mind a complete idea of the author's peculiar air and diſtinguiſhing features; and then to aſſume, as it were, his perſon, voice, countenance, geſture; and to repreſent the man himſelf ſpeaking in our language inſtead of his own: but, whether I have acted the part of ISÆUS with exactneſs, whether I have juſtly expreſſed the peculiarity of his character, whether my ſtyle conveys an adequate notion of his nerves and ſpirit, his vigour and ſharpneſs, I really cannot tell; nor, if I could, would it become me to tell my reader. One requeſt only I muſt beg leave to make: that, if any perſon ſhould conceive it an eaſy matter to tranſlate into Engliſh the ancient orators of Greece, and ſhould perſiſt in that opinion while he reads my tranſlation, he will inſtantly lay aſide my book, take up the original, and render the next ſpeech himſelf: if he ſhould find the taſk more difficult than he had imagined, he will then give me the only

only praiſe, which I deſire, that of having taken no ſmall pains to inform and entertain my countrymen; to whom, if opportunity alone had not been wanting, I would long ago have made many greater ſacrifices— But of myſelf enough has been ſaid; and, I hope, without impropriety.

I now reſume the ſubject, from which I have ſo long digreſſed, and return to the Attick laws of hereditary and teſtamentary tranſmiſſions; the text of which, together with a few other ordinances nearly related to them, I ſhall prefix to the ſpeeches, reſerving a fuller explanation of them for the commentary; it being my ſole object, in this introductory diſſertation, to prepare my reader for compoſitions above two thouſand years old, and to explain ſuch alluſions as may occur in them, ſo that he may underſtand them without the perpetual interruption of notes: with this intent I ſhall now ſubjoin a ſhort ſketch of an Athenian ſuit for the recovery of property in the court of HELIÆA, the only one of the ten, which my preſent ſubject leads me to conſider. A more minute account of a law ſuit at Athens, from the original proceſs to final judgement, would have been ſuperfluous in this place, and even inconſiſtent with the ſcope of my work; but, ſhould the curioſity of any learned reader be raiſed by this ſummary, he will receive ample information from various tracts in the vaſt repoſitory of *Gronovius*, among which I principally recommend the elegant treatiſe of CAROLUS SIGONIUS, *On the Athenian Republick:* that moſt judicious antiquary has, indeed, ſo completely exhauſted the ſubject, that POTTER has done little more than tranſlate his work with ſome additional authorities and a multitude of quotations, which are ſo far from improving his book, that they render it intolerably dry and tedious. M. Auger profeſſes to have followed Potter and Petit, and has extracted from their rude materials a very perſpicuous and agreeable diſſertation on the juriſdiction and laws of Athens. I have turned them all over with as much attention as it ſeemed worth while to give them; but my remarks are chiefly drawn from

from the pure ſource of the Greek orators themſelves, and from their beſt interpreter, *Harpocration*. I cannot help grieving, that the *Commentaries on Iſæus* by DIDYMUS have not ſurvived the days of Gothick barbarity; for, although they were probably nothing more than gloſſes or grammatical notes, yet they would have been of infinite uſe in illuſtrating many dark paſſages, and fixing the purity of the text. The works too of HERO the Athenian, who wrote a treatiſe *On lawſuits at Athens*, and another *On the forenſick conteſts of the old ſpeakers*, would have given me no leſs entertainment and inſtruction than aſſiſtance in compoſing this part of my preface; and the ſame may be ſaid of two loſt books by TELEPHUS, the firſt, *On the laws and cuſtoms of the Athenians*, and the ſecond, *On their courts of judicature*; but, inſtead of waſting time in fruitleſs regret, I proceed to diſcourſe conciſely on the ſame ſubject by the help of ſuch imperfect light as remains.

It is almoſt needleſs to premiſe, what every perſon who has the ſlighteſt acquaintance with the conſtitution of Athens already knows, that all cauſes concerning inheritances, deviſes, legacies, portions, adoptions, marriages, divorces, alimony, widows, heireſſes, orphans, guardians, belonged to the juriſdiction of the chief ARCHON, who gave his *name* to the year of his magiſtracy, and was thence often called *Eponymus*; a juriſdiction, which may in part be traced through the Decemviral laws to that of the Roman PRÆTOR, and from him, through the imperial and pontifical conſtitutions, to that of our CHANCELLOR. Either this great magiſtrate, whoſe tribunal was in the Odeum, or one of the ſix inferior Archons, called *Theſmothetæ*, generally ſat, crowned with myrtle, for the purpoſe of receiving complaints from perſons injured, of directing proceſs, examining the parties, allowing or diſallowing the action, and conducting the ſuit through its various ſtages; for, when a citizen thought himſelf wronged and reſolved to ſeek redreſs in a court of juſtice, his firſt ſtep was to prefer his *plaint* and *de-*

nounce

nounce the name of his adverſary to the ſitting magiſtrate, who *examined* the complainant, and, if he thought the action maintainable, permitted him to *ſummon* the defendant to appear at a certain day: it was allowable, where an expeditious remedy was required, to *attach* the perſon complained againſt, and carry him directly before the court, of which the reader will recollect many inſtances in the ancient comedies, where the ſcene is uſually laid at Athens; but, in moſt caſes of civil injuries, the firſt proceſs was by *citation* or *ſummons*, for which purpoſe a number of apparitors or bailiffs, called *ſummoners*, were conſtantly at hand; nor can we ſuppoſe, that in a ſmall ſtate governed almoſt wholly by laws, which inflicted a ſevere puniſhment on contumacy, this monition of the Archon was often diſobeyed: contumacious perſons were declared *infamous*, a ſentence no leſs dreadful to an Athenian, than *outlawry* to an Engliſhman.

When both parties were confronted before the magiſtrate, he proceeded to a ſtrict examination of them, which was called the *interrogation*, and the parties litigant were at liberty to interrogate one another, as we learn from the ſpeech on the eſtate of *Philoctemon*; whence alſo we may collect, that their *anſwers* were ſet down in writing and might be given in evidence againſt them at the trial, and that, if the Archon found it neceſſary, he might adjourn the examination. This was not unlike the French *recollement*, of which M. de Beaumarchais has given us a lively and curious deſcription in one of his intereſting memorials; and the ſtudent will find it an inſtructive and agreeable exerciſe to compare theſe judicial proceedings at Athens, not only with thoſe of the civilians and canoniſts, of which he will ſee an exact ſketch in Sir Jeffrey Gilbert's *Forum Romanum*, but alſo with thoſe in our own courts of law and equity, and with the modes of bringing cauſes to a hearing in Scotland and France: to remind him at every turn of the analogy between theſe different forms of adminiſtering remedial juſtice,

juſtice, would be both idly oſtentatious and inconſiſtent with my principal deſign.

It was the Archon, who gave the complainant the power of impleading his antagoniſt, preſcribed the proper form of the action, of which the Athenians had a great variety, and, to uſe their term, *admitted* the cauſe into court; after which preliminaries the party complaining put in, as I conceive, his *declaration*, or *bill*, in which he ſet forth pertinently and ſuccinctly the nature of the injury which he had ſuſtained; and then, I imagine, the parties proceeded to their mutual *altercations*, which the Archon moderated and directed, and which, like our ancient *pleadings*, were delivered orally before his tribunal. If the plaintiff perſevered in demanding redreſs, and the defendant inſiſted generally, that *he had committed no injury*, or *that he had a right to the property in queſtion*, ſo that the merits of the cauſe might be fairly tried in a *direct* courſe, iſſue was then joined, as by the *Sponſio* of the Romans, and each party *depoſited* a ſtated ſum as a pledge of proſecuting his claim: nor was this all; for the parties were obliged to give in *croſs-depoſitions*, in which they reſpectively ſwore, that they relied on the juſtice of their ſeveral caſes, and would produce evidence of the truth. The Archon then enquired into the nature of that evidence, aſked the parties, if they were prepared with their witneſſes, and what was the number of them; for, if either of them was unprepared and could offer upon oath a juſt excuſe for his want of readineſs, the trial might be poſtponed. This was alſo the time for propoſing terms reciprocally in regard to the litigation, as by written *challenges* to produce their ſlaves, whoſe teſtimony was always extorted by pain or by the apprehenſion of it, and who could not be expoſed to torture without the conſent of their maſters, which was rarely given; but the party refuſing to conſent gave an advantage to his adverſary, who, inſtead of aſcribing his refuſal to humanity, conſtantly imputed it to a dread of diſcloſing the whole tranſaction; of which

common

common topick we ſee a remarkable inſtance in the *Trapezitick* ſpeech of Iſocrates, whoſe very words are found in that of Iſæus on the eſtate of Ciron, and in the firſt of Demoſthenes againſt Aphobus: this identical paſſage in the three orators is adduced by Euſebius among other inſtances of the groſs plagiariſm with which he charges the Greeks; but it is a paſſage, which, to the honour of our nation, can never be copied by a Britiſh advocate.

It was competent, however, to the defendant, to put in a *dilatory plea*, as for inſtance, to the *juriſdiction* of the magiſtrate; or to *demur*, as we call it, to the declaration, by inſiſting that the action was not maintainable, or, in the language of the Athenians, not εἰσαγώγιμος or *admiſſible*; or he might plead *in bar* any fact that precluded the plaintiff from his ſuit, as a compromiſe and releaſe, or the expiration of the limited time within which the complaint ſhould have been preferred: this was in general *five* years; but the law of limitations doth not ſeem to have been very rigorouſly obſerved, as excuſes for the non-claim were often made, and ſometimes, probably, admitted. From this law there ariſes no ſmall difficulty in the ſpeech on the eſtate of PYRRHUS, whoſe adopted ſon Endius had been in poſſeſſion above *twenty* years, yet, on his death, an attempt was made to invalidate the adoption by proteſting that Pyrrhus had a legitimate daughter: now one would have imagined, that, had ſhe been really legitimate, ſhe would have been perpetually barred by not having *entered* on the eſtate, or oppoſed the claim of Endius, within the due time from the death of her father; but the five years only ran from the day when a new title accrued, and, ſhe having paſſed the time of entering as *daughter* of Pyrrhus, her huſband might have made a claim for her as *ſiſter* and heireſs of Endius lately deceaſed. However that might be, this cauſe affords a good ſpecimen of Athenian pleading; for, in the original ſuit, Xenocles appears to have been complainant in right of his wife Phila, and to have demanded in his

his bill the three talents, of which her father died possessed: to this the defendant, who was the mother of Endius, *pleaded*, that she was the sister of Pyrrhus, and, on the death of his adopted son without heirs, became entitled to his estate: Xenocles *replied*, in the form called διαμαρτυρία or a *protestation*, that she had no title, because *Pyrrhus had left a legitimate daughter:* this the defendant *traversed* or denied; and, as the issue was found in her favour, the complainant, who had *protested* pon uoath, must necessarily have been perjured. I chose to give this Attick form the name of *protestation*, although *obtestation* be more literal, and although the former word be restrained in our law to a parenthetical allegation, which is not *traversable*; but I cannot too often request the reader of *Isæus* to place himself at Athens, and to drop for a time all thoughts of our own forensick dialect. This *protestation* then, which answered sometimes to a *demurrer*, and sometimes to a special plea *in bar*, differed from the παραγραφή or *exception*; for the first might be entered by either of the contending parties, or even by a third person intervening; as, in the litigation concerning the estate of Dicæogenes, when Menexenus and his cousins were going to join issue with their adversary, *Leochares* put in a protestation, *that the heirs at law were precluded from claiming the inheritance:* but the *exception*, which in general was a dilatory plea, could only be made by the defendant. These oblique modes of pleading were, however, considered as unfair, and were therefore discountenanced, as tending to divert the stream of justice, and to evade a candid investigation of the whole truth: thus *Thrasyllus*, in the sixth speech, makes a merit of having pleaded in a *direct* form, when it was in his power to have *protested* specially, that he was the adopted son of Apollodorus; and, in the fifth, the same topick is urged in favour of Chærestratus, whose advocate insists, that his opponent, instead of *protesting*, that Philoctemon had left legitimate sons, should have denied at once the validity or existence of his will. It seems that, in all cases of disputed estates, every devisee, and every heir, except a lineal descendant, was compelled to make a claim by exhibiting

a bill

a bill to the Archon: if his title was controverted, the adverſe claimant preſented a *croſs-bill*, called ἀντιγραφὴ, and it appears from the laſt mentioned cauſe, that this courſe might be purſued by a perſon who had proteſted, even after the iſſue on his proteſtation had been found againſt him; whence it follows, that a multiplicity of trials was prevented by the εὐθυδικία or general plea. We may collect alſo from a paſſage in the fourth of the following ſpeeches, as well as from Harpocration, that when a ſtranger interpoſed by proteſting, that *the eſtate was not* ἐπίδικ☉ *or open to controverſy*, it was uſual to diſcontinue the original action, and to try the iſſue joined on the proteſtation, the event of which trial muſt have directed the judgement in the firſt cauſe: what follows that paſſage is extremely ſingular; for, when Leochares was more than half-convicted of perjury, the puniſhment of which was a perpetual deprivation of all civil rights, the plaintiff not only was permitted to decline taking the verdict, but even conſented to accept the promiſe of Leochares himſelf, that Dicæogenes ſhould ſurrender the property in diſpute.

Whenever, in the courſe of theſe pleadings, the parties came to a *fact* or a point of *law* (for both were determined by the ſame judges) aſſerted on one ſide and denied on the other, the Archon proceeded, as if the defendant had pleaded generally: and all the writings in the cauſe, the bills, claims, croſs-depoſitions, challenges, proteſtations, and exceptions, together with ſuch inſtruments as had been exhibited, and, I believe, with the depoſitions of the witneſſes, were encloſed in a veſſel called ἐχῖν☉, which could not be opened till it was carried into court.

Thus was a cauſe at Athens prepared for trial, and, we muſt acknowledge, in a ſimple and expeditious manner; nor was the popular form of pleading the general iſſue, and proving the ſpecial matter in court, liable to the objection of expoſing the parties to the danger of being ſurprized

with an unforeseen case or unexpected evidence; since all the circumstances were previously sifted, and the depositions accurately settled, in the presence of the Archon, so that each party was fully aware of his adversary's strength, and able to instruct his advocate without darkness or perplexity; yet if we consider the multitude of law-suits, with which, as Isæus himself informs us, Athens abounded, it must appear strange how six or seven magistrates, even with their assessors, could have time to conduct the altercation of so many litigants, and to perform the other important duties of their office. At Westminster a similar plan would be found impracticable; nor shall I easily be induced to wish for a change of our present forms, how intricate soever they may seem to those who are ignorant of their utility. Our science of special pleading is an excellent *Logick*; it is admirably calculated for the purposes of analysing a cause, of extracting, like the roots of an equation, the true points in dispute, and referring them with all imaginable simplicity to the court or the jury: it is reducible to the strictest rules of pure dialectick, and, if it were scientifically taught in our publick seminaries of learning, would fix the attention, give a habit of reasoning closely, quicken the apprehension, and invigorate the understanding, as effectually as the famed Peripatetick system, which, how ingenious and subtile soever, is not *so honourable*, *so laudable*, *or so profitable*, as the science, in which *Littleton* exhorts his sons to employ *their courage and care*. It may unquestionably be perverted to very bad purposes; but so may the noblest arts, and even eloquence itself, which many virtuous men have for that reason decried: there is no fear, however, that either the *contracted fist*, as Zeno used to call it, or the *expanded palm*, can do any real mischief, while their blows are directed and restrained by the superintending power of a court.—But let us return to Athens.

The next act of the Archon was to cast lots for the *judges*, on whom I chuse in general to confer that title, because they determined not the

fact

fact only, but the law and equity, of every caſe: although I have always been of opinion with the learned antiquary Dr. PETTINGAL, that they might with propriety be called *jurymen*; and that the Athenian juries differed from ours in very few particulars. It is well known, that the Δικασταὶ were a ſtanding body of citizens, all at leaſt thirty years old and of unblemiſhed character, but without any ſtated qualification in point of fortune: before they were admitted into the order of judges, they ſwore ſolemnly, among other things, "that they would never "accept a bribe directly or indirectly for pronouncing their ſentence, "nor ſuffer any of their fellows to be bribed, with their knowledge, "by any artifice or contrivance whatever; that they would impartially "attend to both plaintiff and defendant, and give a juſt verdict on the "very point in iſſue;" which oath, as we may collect from *Demoſthenes*, they repeated before every trial, and the advocates ſeldom failed to remind them of it. The number of their names drawn by lot, in cauſes to be tried in the Heliæa, was uſually five hundred, as we learn from the fourth ſpeech of Iſæus; but, on very important occaſions, a thouſand, fifteen hundred, and ſometimes two thouſand, ſat to decide the ſame cauſe; ſo that they formed in reality a committee from the whole legiſlative body, and hence they are frequently preſſed by the orators to be guided by the laws which they had themſelves enacted: it is on account of their ample powers and their mixed character, that I call their ſentence indifferently a *judgement*, a *verdict*, or a *decree*; although at our bar we appropriate each of thoſe words to a diſtinct meaning. The ſentence was determined by the plurality of ſuffrages, but the nearer the court approached to unanimity, the more brilliant was the victory; and, as he, who had not a fifth part of the votes, was fined a thouſand drachmas, I conceive, that the parties were allowed to challenge ſuch of the jurors as they could affect with a reaſonable ſuſpicion of a bias to either ſide. When the judges, on the day appointed, took their ſeats in the *Heliæa*, a place in the open air, but ſurrounded with

with a rope and attended by officers who kept off the croud, the Archon propoſed or *introduced* the cauſe; and, if the defendant made default, judgement was given againſt him; but it was not final till two months had paſſed, within which time he might apply to the magiſtrate, and, by aſſigning on oath a ſatisfactory reaſon for his abſence, might ſet it aſide, and have another day fixed for the trial. When the parties appeared, they uſually brought with them as many powerful friends as they could aſſemble, with a view, no doubt, of influencing the jury; a ſhameful cuſtom! but which cannot eaſily be prevented in any country, and which ſeems to have been common at Athens, as we find in ſome of the old comedies, and in the beginning of the ſpeech on the eſtate of Cleonymus: they were accompanied alſo by their advocates and witneſſes, of whom it will be neceſſary to ſpeak with as much conciſeneſs as the ſubject will admit.

The office of συνήγορος was diſtinct from that of ἐξηγητὴς; as the firſt was the *actor cauſarum*, and the ſecond the *juriſconſultus*, of the Romans; both which characters are generally united in our *counſel*: I call the firſt an *advocate*; although I have no certain knowledge that the *Athenian* title was given to men of a particular profeſſion; but am inclined to think, that any man whatever, whom friendſhip or ability recommended to either party, might, with the permiſſion of the court, plead his cauſe before the judges; nor do I believe, that this buſineſs was in general conſidered as reputable; for *Nicodemus*, who ſeems to have been a very profligate fellow, is reproached by Iſæus in the ſecond ſpeech, for acting diſhoneſtly in hopes of the petty fees, which he gained by pleading cauſes; and, in the eighth, *Xenænetus* and his aſſociates, whom my author repreſents as a deteſtable crew, are ſaid to have had ſuch powers in ſpeaking, that they were often employed as advocates. The ῥήτορες were of a higher claſs; many of them, illuſtrious ſtateſmen; and all, men of diſtinguiſhed abilities, who were frequently engaged in

private

private caufes, either at the requeft of particular friends, or, like the Roman fenators, who were forbidden to take money by the *Cincian* law, with a view of acquiring fame and popularity: but Antipho of Rhamnus is faid to have been the firft who took fees for his forenfick labours. When the orators addreffed the court in perfon, they were affifted, as *Tully* fays, in matters of law by folicitors or agents, who were called πραγματικοὶ, and whofe profeffion was reckoned illiberal; but, moft commonly, the fpeeches were compofed by the great mafters of rhetorick, and delivered either by memory or from writing, by the clients themfelves, or fome of their intimate friends: for the Athenians were naturally quick; their general affembly was the beft fchool of eloquence in the world; and, as they had but one language to learn, which was the fineft ever fpoken by mortals, the loweft among them could not only exprefs themfelves with propriety, but were even the niceft judges of the pure Attick diction. *Plutarch* tells us, in his treatife on *Garrulity*, that Lyfias wrote a fpeech for a client, who brought it back with great marks of uneafinefs, affuring the orator, that, "when he firft read it, "he thought it wonderfully fine; but that, on the fecond and third "reading, it appeared quite languid and inapplicable." "What! faid "Lyfias fmiling, do you forget that you are to fpeak it but once to the "jury?" This mode would, for many obvious reafons, be hardly practicable among us; yet, in fome criminal cafes, we have inftances of artful and elaborate defences, at leaft equal to thofe of *Antipho*, compofed or delivered by the prifoners themfelves; and, furely, no compofitions require fo much delicacy and judgement, fince innocent men on fuch occafions are feldom eloquent. Sometimes both methods were united at the Athenian bar; and the party, having told his ftory in a fet fpeech, was fucceeded by his advocate, who pronounced the peroration in a loftier ftrain: of this we have fome examples in Demofthenes, who is called up by name to finifh the fpeech for Darius againft Dionyfodorus; and that of Ifæus on the eftate of Nicoftratus was, I believe, of the

the ſame kind; for it contains very ſolid obſervations on laws and the nature of evidence, which would have come with a bad grace from the mouth of an ordinary client; and it concludes with a recapitulation of proofs, none of which appear in the preceding part; ſo that from theſe circumſtances we may collect, more certainly than from the opening of the ſpeech, that it was delivered by the orator in his own perſon; nor is it in any reſpect unworthy of his reputation. It is hardly neceſſary to obſerve, what the reader will naturally imagine, that women and infants both ſued and were impleaded in the names of their huſbands, guardians, or next friends; as, in the diſputes about the eſtate of Hagnias, the *prochein amy* of young Stratocles exhibited the information, and delivered the charge, againſt Theopompus, whoſe ſon was afterwards attacked by the guardian of the third Eubulides. The time, which theſe judicial ſpeeches were not ſuffered to exceed, was previouſly fixed by the Archon according to the nature of the cauſe and the number of pertinent obſervations which it required; and this time was regulated by the dropping of water through a glaſs, called *clepſydra*, which was carefully ſtopped, when any verbal or written evidence was produced, or any law, will, or other inſtrument, was read to the court: this was a reſtriction in moſt caſes highly expedient for the diſpatch of buſineſs; although Tacitus conſidered the *Pompeian* law, by which the length of a criminal's defence was limited to three hours, as a check to the free courſe of eloquence; and, as the power of allotting the due quantity of water ſeems to have been diſcretionary in the magiſtrate, the ſucceſs of a cauſe might, perhaps, depend too much upon his vigilance, attention, and ſagacity: on the whole, we proceed better, I think, without any ſuch reſtraint.

It does not appear, that two or more advocates were ever heard at Athens on the ſame ſide, as they were at Rome, and commonly are with us on legal queſtions. Cicero, in his pleaſing book on Famous

Orators,

Orators, objects warmly to this practice; but his objections, in my apprehension, are not weighty: when he was a boy, there were but six advocates in the fullest business; nor have we many more, who are sure to be retained in every cause of great importance; to determine who are the Crassus and Antonius, who the Philippus and Cæsar, who the Cotta and Sulpicius, of our English bar, would be a task no less invidious than unnecessary; but if the most eminent were always to speak without any subalterns, a young barrister might be condemned at Westminster to a silence of twenty years.

If the reader has but opened the following work, he must have observed, that the Athenian advocates called their witnesses and read their depositions, as they went along, in proof of their several points, instead of crouding all their evidence together at the conclusion of their speeches; and, although eloquence flows more agreeably and ostentatiously in a continued stream, yet their method seems better calculated than ours for the purpose of enlightening and convincing the jury; since, as *Dionysius* remarks, *a number of proofs collected in one place, and belonging to a variety of heads, is inconsistent with perspicuity.* The witnesses were examined, and, I doubt not, cross-examined, in the preparatory stages of the cause; but they were not sworn till the day of the trial, when they took the oath together at the altar with all possible solemnity, and were afterwards called before the tribunal to confirm their depositions, or, if necessary, to correct and explain them; so that the practice of the Athenians happily united the advantages of both oral and written testimony. This was the form of a deposition in one of their most celebrated causes: "SOSIA deposes, that Callistratus, his "wife's father, was first cousin to Polemo, the father of Hagnias, and "to Charidemus, the father of Theopompus; that his mother was "second cousin to Polemo; and that she often told him, that Phylomache, the mother of Eubulides, was sister of the whole blood to "Polemo,

" Polemo, the father of Hagnias, and that the ſaid Polemo never had a " brother." They admitted, we ſee, hearſay evidence even of particular facts, as it appears alſo from the ſpeech on the eſtate of *Ciron*; and, when it was expedient to perpetuate the teſtimony of perſons going abroad or likely to be detained by ſickneſs, it was uſual, in the preſence of reputable witneſſes, to take their depoſitions, which were called ἐκμαρτυρίαι, and might afterwards be read when the cauſe was ripe for a hearing. If a witneſs was ſummoned, he was obliged to attend the trial under pain of perpetual infamy; and, if he was really ignorant of the facts in queſtion, the court permitted him to *abjure*, or ſwear that he knew nothing of the matter; but, if he would neither give evidence nor abjure, the law condemned him to pay a fine of above five-and-thirty pounds, a ſum by no means inconſiderable in a country where money was extremely ſcarce: thus Hierocles proteſts his ignorance of a material fact in the cauſe concerning the eſtate of *Aſtyphilus*, where the ſenſe directs us to read Ἐξωμοσία, or *abjuration*, inſtead of Μαρτυρία, or *evidence*, which he refuſed to give. I am perſuaded, that objections were frequently made to the competence of witneſſes; and, when they were received, many arguments were uſed and ſingular proofs adduced by the adverſe party to affect their credibility: thus the ſeventh ſpeech of Iſæus cloſes with a violent attack upon Diocles, whom the orator accuſes of the moſt atrocious crimes, and even produces evidence that he had been a diſhoneſt guardian and an adulterer.

In the admiſſion of evidence they ſeem to have indulged an extraordinary latitude; as in the firſt cauſe, on the revocation of a will, they heard proof of an opinion declared by the friends and relations of the deviſees, that the property of Cleonymus ought to be divided among the contending parties; and many other ſingularities of this kind will be ſeen in the reſt of the ſpeeches: but we muſt never forget, that the δικασταὶ were judges of fact, law, and equity, with ample powers of deciding

deciding according to the juſtice of every caſe; ſo that the parties were permitted in general to prove whatever tended to place them in a favourable light; and this accounts for the popular topicks to the jury, which occur ſo often in Iſæus, Demoſthenes, and Lyſias, that their clients had contributed largely to defray the expenſes of the ſtate, had furniſhed gallies, ſerved chargeable offices, given handſome entertainments, and lived parſimoniouſly in private, that they might act liberally in publick, while their adverſaries either concealed their fortunes, or were remiſs and penurious in their contributions; topicks, which no advocate in his ſenſes would urge before judges of the bench, but which ſeem well adapted to the conſtitution of the courts at Athens, where the democracy could never have flouriſhed, unleſs all the citizens had vied with each other in ſupporting it; and, as in ſome ſtates certain offenders are excluded from the protection of the law, ſo in a republick few offences can deſerve that excluſion more juſtly than a want of zealous affection to the commonwealth. After all, we have no reaſon to regret, that, in private cauſes at leaſt, an Engliſhman is ſure to obtain juſtice, although he may not have paid his annual taxes with eagerneſs, or ſerved the office of ſheriff with great alacrity; and we may triumph in our elegant and philoſophical theory of evidence, which Ariſtotle and Plato muſt have admired, and by the ſtrict rules of which all trials in the world ought to be directed.

A few other particularities will be remarked in the ſpeeches of Iſæus; as, an appeal by Menexenus to the knowledge of the jurors themſelves, concerning ſome tranſactions at a former trial; witneſſes, who happened to be preſent, called upon to give evidence for Ciron's grandſon; alluſions by the brother of Aſtyphilus to what was paſſing in court; the proſecutor openly interrogated by Theopompus at the beginning of his defence: moſt of theſe circumſtances are inconſiſtent with ſet ſpeeches compoſed by the orator and pronounced by the party; and one

would almoſt be tempted to conjecture, that the advocate himſelf ſpoke in the perſon and character of his client, if the ſtory before cited from Plutarch and other authorities were not deciſive of the contrary.

When the defendant had cloſed his ſpeech (for I find no certain traces of any reply by the complainant) the jurymen gave their ſentence by caſting pellets or beans into the urns allotted to the parties, and, in caſes of inheritances, every claimant in a diſtinct right had a ſeparate urn, but a ſingle one ſerved for all thoſe who claimed under the ſame title: the magiſtrate then counted the pellets, and declared the judgement; and here ended his ἡγεμονία, or *preſidency* of the court; for he had no power to direct or influence the jury; and *Lyſias* aſks with ſome warmth, *What could be more diſgraceful and abominable, than if the Archon, in cauſes concerning heireſſes, ſhould dare to ſolicit the judges, and deſire them to find a verdict according to his pleaſure?* This regulation deſerves to be applauded, and would even be worthy of imitation, if the complex queſtions and nice points, which an *Engliſh* jury are often required to determine, did not make it abſolutely neceſſary for them to receive light and aſſiſtance from the learning and experience of a judge.

If the complainant failed of ſucceſs, he was amerced for his falſe claim, which amercement was uſually a ſixth part of the ſum demanded: in all caſes the unſucceſsful party forfeited his depoſit, and the fines and forfeits were ſpeedily collected by the ταμίαι, or officers of the revenue, who paid them into the treaſury, where ſome of them were appropriated for the payment of the jurymen, and the reſt applied to the ſervice of the publick.

To the courts at Athens appeals lay from the deciſions of the ſtanding *arbitrators*, of whom there were four hundred and forty in different parts of Attica, forty-four being drawn by lot from each of the ten tribes:

tribes: two of them commonly gave judgement in every cauſe; and we find, in the fragment againſt the burgeſſes of Erchia, that their tribunal was ſometimes placed in the Delphinian temple of Apollo. As very little occurs in the following ſpeeches concerning this court, it is needleſs to diſcourſe at large on its origin and conſtitution; but we may obſerve, that its decrees muſt always be diſtinguiſhed from the awards of arbitrators freely choſen by the parties themſelves, and generally ſworn to do juſtice, from which there was no appeal.

Before I conclude this prefatory part of my work, it will be proper to mention ſuccinctly, that the people of Athens, who had the freedom of the city and governed the republick, were divided into ten tribes; that the tribes compriſed a number of boroughs diſperſed in various parts of Attica; that each borough was ſubdivided into wards, and each ward compoſed of diſtinct families. Every legitimate child, who was named on the tenth day after his birth, was preſented, before his ſeventh or eighth year, to the citizens of his ward with many ceremonies, to which we find alluſions in the following ſpeeches: the time for preſenting natural children was the feſtival, called Apaturia, which laſted four days in January; but adopted ſons were admitted at the feaſts of Thargelia in July, as we may collect from the ſpeech on the eſtate of *Apollodorus*, where the reader will ſee a deſcription of the forms uſual on theſe occaſions. If the members of the ward were ſatisfied of the child's legitimacy, and none of them removed from the altar the victim called κȣ̓́ριον, which was ſacrificed in their preſence and diſtributed among the company, the name of the new citizen was inſcribed on their *common* regiſter; but he was not a complete burgeſs till the age of twenty years, when he was regiſtered on the *publick* roll of his father's borough.

This will be a ſufficient introduction to the works of the author, whom I now ſend abroad in an Engliſh dreſs: the four orders of Athenian

nian citizens, their military and religious inſtitutions, their funeral rites, their celebrities in honour of Ceres and Proſerpine, of Pallas and Prometheus, with their greater and leſs feſtivals of Bacchus, are known to all, who have received the ſlighteſt tincture of Grecian learning; but ISÆUS will give full ſatisfaction to thoſe only, whoſe imagination can for a time tranſport them to his country, who can live in idea two thouſand years ago, and read an Attick orator with the mind, and, as it were, the eyes of an Athenian; in the ſame manner as an aſtronomer, to borrow a compariſon from the excellent writer on Hebrew poetry, ſuppoſes himſelf to become for a while an inhabitant of every planet, where he obſerves its peculiar qualities, and its ſituation with reſpect to others, meaſures their diſtances, compares their motions, and forms a diſtinct view of the whole univerſe.

ATTICK

ATTICK LAWS.

I.

WHEN A WOMAN, IN ORDER TO ENJOY THE RIGHTS OF A *LAWFUL WIFE*, HAS BEEN DULY BETROTHED BY HER FATHER, OR HER BROTHER BY THE SAME FATHER, OR HER PATERNAL GRANDSIRE, HER CHILDREN BORN IN WEDLOCK ARE LEGITIMATE. IF NONE OF THOSE RELATIONS BE LIVING, AND SHE BE AN HEIRESS, LET HER NEAREST KINSMAN MARRY HER; BUT, IF SHE HAVE NO KINSMAN ENTITLED TO CLAIM HER, LET HIM, WHO SHALL BE APPOINTED HER GUARDIAN, GIVE HER IN MARRIAGE.

II.

THE LEGITIMATE SONS OF HEIRESSES SHALL ENTER UPON THEIR ESTATES AT THE AGE OF SIXTEEN YEARS, AND SHALL ALLOW THEIR MOTHERS A SUITABLE MAINTENANCE.

III.

IF THE NEAREST KINSMAN OF A WOMAN WITHOUT AN ESTATE REFUSE TO MARRY HER, HE SHALL GIVE HER IN MARRIAGE WITH A PORTION OF FIVE MINAS, IF HE BELONG TO THE FIRST ORDER OF CITIZENS, OR OF THREE, IF HE BELONG TO THE SECOND, OR OF A MINA AND A HALF, IF HE BE OF THE THIRD CLASS. IF SHE HAVE MANY KINSMEN IN THE SAME DEGREE, THEY SHALL SEVERALLY CONTRIBUTE TO HER PORTION; AND IF THERE BE MANY SUCH WOMEN, EACH OF THEIR KINSMEN SHALL BE OBLIGED TO MARRY OR TO GIVE IN MARRIAGE ONE OF THEM ONLY. IF THE NEXT OF KIN WILL NEITHER MARRY THEM NOR GIVE THEM IN MARRIAGE, THE ARCHON SHALL COMPEL THEM TO DO EITHER ONE OR THE OTHER; AND, IF HE NEGLECT THIS DUTY, HE SHALL FORFEIT TEN MINAS TO THE TEMPLE OF JUNO. ANY CITIZEN MAY PREFER A COMPLAINT BEFORE THE ARCHON AGAINST SUCH AS DISOBEY THIS LAW.

IV.

IV.

LET THE ARCHON TAKE CARE OF ORPHANS AND HEIRESSES, OF DESOLATE HERITAGES, AND OF WOMEN, WHO, ALLEDGING THAT THEY ARE ENCEINT, REMAIN IN THE HOUSES OF THEIR DECEASED HUSBANDS: LET HIM NOT SUFFER THEM TO BE INSULTED OR INJURIOUSLY TREATED. IF ANY ONE SHOULD INJURE THEM, LET HIM IMPOSE A FINE WITHIN THE LIMITS OF HIS AUTHORITY; AND, IF THE OFFENDER SHOULD SEEM DESERVING OF A HEAVIER PUNISHMENT, LET THE ARCHON SUMMON HIM TO APPEAR WITHIN FIVE DAYS, AND, LAYING THE DAMAGES AT SUCH A SUM AS HE THINKS PROPER, LET HIM BRING HIM TO A TRIAL IN THE COURT OF HELIÆA, WHERE, IF HE BE FOUND GUILTY, LET THE JURY INFLICT SUCH A CORPORAL PAIN, OR SET SUCH A FINE, AS HE SHALL DESERVE.

V.

IF A HUSBAND REPUDIATE HIS WIFE, HE SHALL RETURN HER PORTION, OR PAY INTEREST FOR IT AT THE RATE OF NINE OBOLUS'S A MONTH FOR EVERY MINA. HER NEXT OF KIN, UNDER WHOSE PROTECTION SHE IS, MAY SUE FOR HER PORTION OR HER ALIMONY BEFORE THE ARCHON IN THE ODEUM.

VI.

ALL GENUINE UNADOPTED CITIZENS MAY DEVISE THEIR ESTATES AS THEY THINK FIT, PROVIDED THAT THEY HAVE NO LEGITIMATE CHILDREN, AND BE NOT DISABLED BY LUNACY OR AGE, OR POISON OR DISEASE, NOR INFLUENCED BY WOMEN, SO AS TO HAVE LOST THEIR REASON FROM ANY OF THESE CAUSES, NOR BE UNDER ANY DURESS OR CONFINEMENT.

VII.

THE WILLS OF SUCH AS HAVE LEGITIMATE SONS SHALL STAND GOOD, IF THOSE SONS DIE BEFORE THEIR AGE OF SIXTEEN YEARS.

VIII.

IF A MAN HAVE LEGITIMATE DAUGHTERS, HE MAY DEVISE HIS ESTATE AS HE PLEASES, ON CONDITION THAT THE DEVISEES TAKE THEM IN MARRIAGE.

IX.

INFANTS AND WOMEN SHALL NOT TRANSFER OR DEVISE MORE THAN THE VALUE OF A BUSHEL OF BARLEY.

X.

X.

ADOPTED SONS SHALL NOT DEVISE THE PROPERTY ACQUIRED BY ADOPTION; BUT, IF THEY LEAVE LEGITIMATE SONS, THEY MAY RETURN TO THEIR NATURAL FAMILY. IF THEY DO NOT RETURN, THE ESTATES SHALL GO TO THE HEIRS OF THE PERSONS WHO ADOPTED THEM.

XI.

THE ADOPTED SON AND THE AFTER BORN SONS OF THE PERSON WHO ADOPTED HIM, SHALL BE COHEIRS OF THE ESTATE; BUT NO ADOPTION BY A MAN, WHO HAS LEGITIMATE SONS THEN BORN, SHALL BE VALID.

XII.

IF A CITIZEN DIE INTESTATE AND LEAVE DAUGHTERS, THE NEAREST KINSMEN WHO MARRY THEM SHALL INHERIT THE ESTATE: BUT, IF HE DIE CHILDLESS, HIS BROTHERS BY THE SAME FATHER SHALL BE HIS HEIRS, AND THE LEGITIMATE SONS OF THOSE BROTHERS SHALL SUCCEED TO THE SHARE OF THEIR FATHERS. IF THERE BE NO BROTHERS, THE SISTERS ON THE FATHER'S SIDE, AND THEIR CHILDREN, SHALL INHERIT. ON FAILURE OF SISTERS AND NEPHEWS, THE COUSINS ON THE FATHER'S SIDE SHALL BE HEIRS IN THE SAME MANNER; BUT MALES AND THE CHILDREN OF MALES SHALL BE PREFERRED, ALTHOUGH IN A REMOTER DEGREE, PROVIDED THAT THEY BELONG TO THE SAME BRANCH. IF THERE BE NO KINSMAN ON THE FATHER'S SIDE SO NEAR AS THE SECOND COUSINS, THEN LET THOSE ON THE MOTHER'S SIDE SUCCEED TO THE ESTATE IN THE SAME ORDER. SHOULD THERE BE NO MATERNAL KINSMEN WITHIN THE DEGREE ABOVE LIMITED, THE NEXT PATERNAL KINSMEN SHALL BE THE HEIRS.

XIII.

NO MALE OR FEMALE BASTARD, BORN AFTER THE ARCHONSHIP OF EUCLID, SHALL SUCCEED EITHER TO SACRED OR CIVIL RIGHTS.

XIV.

INHERITANCES AND HEIRESSES MAY BE CLAIMED EVERY MONTH IN THE YEAR EXCEPT AUGUST, AND NO DEVISEE SHALL POSSESS AN ESTATE EXCEPT BY AN ADJUDICATION OF THE COURT.

XV.

IF ANY MAN SHALL CONTROVERT THE TITLE OF ANOTHER, TO WHOM AN INHERITANCE OR AN HEIRESS HAS BEEN ADJUDGED, LET HIM CITE HIS ADVERSARY BEFORE THE ARCHON, AS IN OTHER CAUSES. THE DEMANDANTS SHALL DEPOSIT A STATED SUM AS A PLEDGE OF

PROSECUTION,

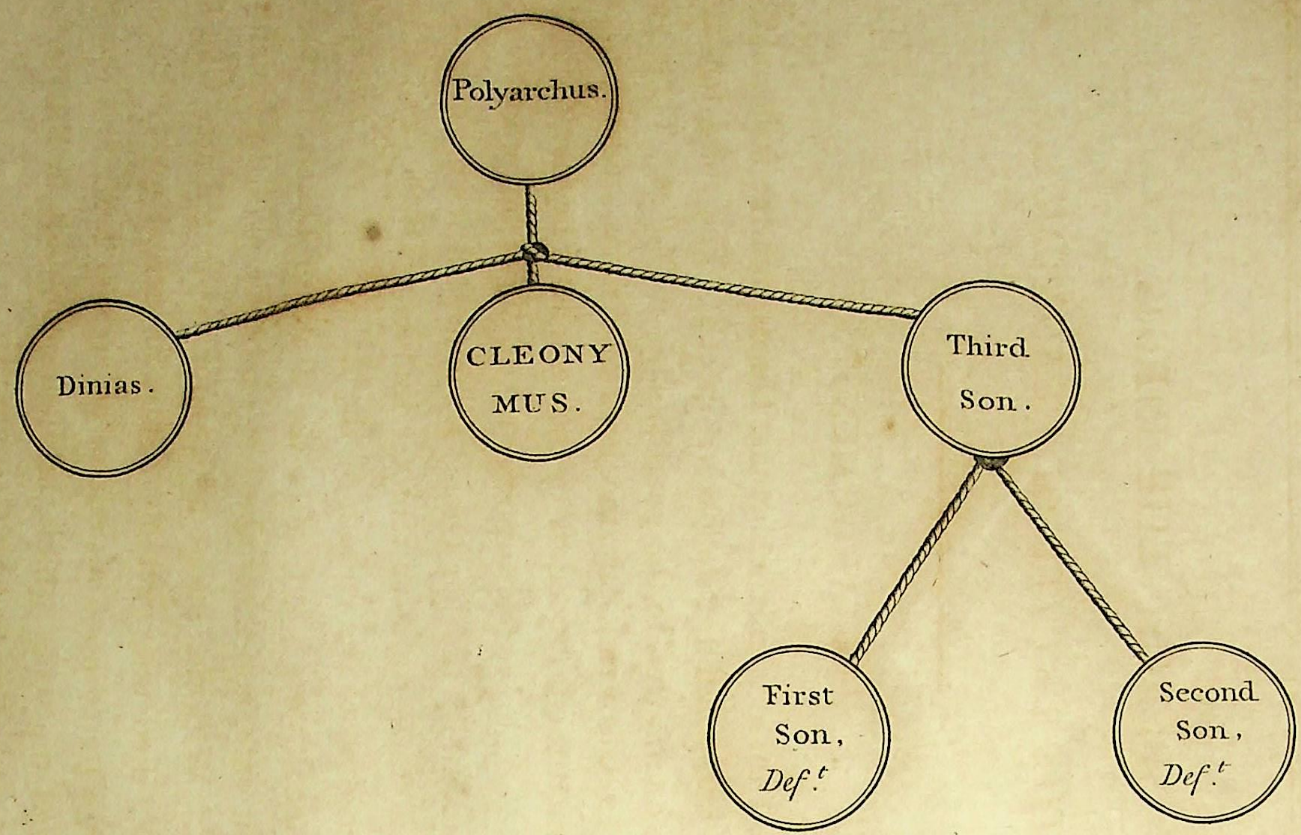
PROSECUTION, AND, IF THERE BE NO CITATION, THE JUDGEMENT SHALL BE REVERSED. IF THE PERSON, TO WHOM THE ESTATE WAS ADJUDGED, BE DEAD, HIS HEIR MAY BE IMPLEADED IN THE SAME FORM, PROVIDED THAT THE LIMITED TIME BE NOT EXPIRED. LET THE SUIT PROCEED BEFORE THE ARCHON IN THE SAME MANNER AS THE CLAIM WAS AT FIRST MADE BY THE POSSESSOR OF THE INHERITANCE IN DISPUTE.

NOTE.

The Athenians made no difference between the tranſmiſſion of real and perſonal property: in theſe laws, therefore, and in the following ſpeeches, the words *deviſe*, *heir*, *inheritance*, and the like, are applied both to lands and to goods, without being reſtrained to the peculiar ſenſe in which we uſe them.

THE

SPEECH. I. p. 49.


Polyarchus.
Dinias.
CLEONY MUS.
Third Son.
First Son, Def.t
Second Son, Def.t

THE

SPEECHES OF ISÆUS.

SPEECH THE FIRST.

ON THE ESTATE OF CLEONYMUS.

THE ARGUMENT.

POLYARCHUS left three ſons, Cleonymus, Dinias, and the father of thoſe, for whom Iſæus compoſed the following ſpeech. The third ſon dying, his children were committed to the guardianſhip of Dinias. Theſe young men were heirs to Cleonymus by the laws of Athens, and their grandfather had appointed them ſucceſſors to their uncle, if he ſhould die childleſs. Cleonymus had, however, a power to diſpoſe of his property; and, in a fit of anger againſt his brother Dinias for ſome real or imagined wrong, had made a will in favour of two remoter kinſmen, *Diocles* and *Poſidippus*; which, according to the cuſtom of the Athenians, he had depoſited with one of the magiſtrates: but, after the death of Dinias, he took his nephews under his care, and determined to cancel the will, by which they were diſinherited. With this intent he ſent for the magiſtrate, who kept the teſtament, but died unexpectedly before an actual revocation of it. His nephews then entered upon his eſtate, as heirs at law; and the other claimants produced the will; which, as Iſæus contends in the perſon of his clients, was virtually revoked by Cleonymus.

SPEECH THE FIRST.

The Grandſons of Polyarchus againſt Poſidippus and Diocles.

GREAT has been the change, which our fortunes have undergone by the deceaſe of Cleonymus; who, when he was alive, intended to leave us his eſtate, but has expoſed us by his death to the danger of loſing it: and with ſo modeſt a reſerve, judges, were we bred under his care, that not even as hearers had we at any time entered a court of juſtice, but now we come hither to defend our whole property; for our adverſaries diſpute our right not only to the poſſeſſions of the deceaſed, but alſo to our paternal inheritance, of which they boldly aſſert that he was a creditor. Their own friends, indeed, and relations think it juſt, that we ſhould have an equal ſhare even of thoſe effects which Cleonymus confeſſedly left them; but our opponents themſelves have advanced to ſuch a height of impudence, that they ſeek to deprive us even of our patrimony; not ignorant, judges, of what is right and equitable, but conceiving us to be wholly defenceleſs againſt their attacks.

Conſider then on what grounds the parties, who come before you, reſpectively reſt their claims: theſe men rely on a will, which our uncle, who imputed no blame to us, made in reſentment againſt one of our relations, but virtually cancelled before his death, having ſent Poſidippus to the magiſtrate, for the purpoſe of ſolemnly revoking it; but we, who were his neareſt kinſmen, and moſt intimately connected with him, derive a clear title, both from the laws, which have eſtabliſhed our right of ſucceſſion, and from Cleonymus himſelf, whoſe intention was founded on the friendſhip ſubſiſting between us; not to urge, that his father, and our grandfather, Polyarchus, had appointed us to ſucceed him,

him, if he ſhould die without children: ſuch and ſo juſt being our claim, theſe aſſociates, who are nearly related to us, and who have no colour of juſtice on their ſide, are not aſhamed of conteſting our title to an eſtate, about which it would be diſgraceful for mere ſtrangers to contend. Nor do we ſeem, judges, in this cauſe to have the ſame diſpoſitions towards each other; for I do not conſider it as the greateſt of my preſent misfortunes to be unjuſtly diſturbed with litigation, but to be attacked by thoſe, whom it would be improper even to repel with any degree of violence; nor ſhould I think it a lighter calamity to injure my relations in my own defence, than to be injured myſelf by their unprovoked aſſault: but they, judges, have different ſentiments, and appear againſt us with a formidable array of friends, whom they have ſummoned, and advocates, whom they have retained; leaving behind them no part of their forces, as if they were going to inflict vengeance on open enemies, and not to wrong thoſe whom they were bound by every natural and ſocial tie to aſſiſt. Their ſhameleſs audacity and ſordid avarice will be more clearly perceived by you, when you have heard the whole caſe, which I ſhall begin to relate from that part, whence you will ſooneſt and moſt eaſily learn the ſtate of our controverſy.

Dinias, our father's brother, was our guardian, he being our elder uncle, and we, orphans; at which time, judges, a violent enmity ſubſiſted between him and Cleonymus: whether of the two had been the cauſe of the diſſenſion, it is not, perhaps, my buſineſs to determine; but ſo far at leaſt I may pronounce them both deſervedly culpable, that, having till then been friends, and no juſt pretext ariſing for a breach of their friendſhip, they ſo haſtily became enemies on account of ſome idle words. Now Cleonymus himſelf, when he recovered from that illneſs, in which he made his will, declared, that he wrote it in anger; not blaming us, but fearing, leſt at his death he ſhould leave us under age, and leſt Dinias our guardian ſhould have the management of

of our eſtate; for he could not ſupport the pain of thinking, that his property would be poſſeſſed during our infancy, and that ſacred rites would be performed at his ſepulchre, by one, whom of all his relations he moſt hated, while he lived: with theſe ſentiments (whether laudable or not, I leave undecided), he made a diſpoſition of his fortune; and, when Dinias, immediately after, aſked him publickly, whether we or our father had incurred his diſpleaſure, he anſwered, in the preſence of many citizens, that he charged *us* with no fault whatever, but made the will in reſentment againſt *him*, and not from any other motive: how indeed, judges, could he have determined, if he preſerved his ſenſes, to injure us, who had given him no cauſe of complaint?

But his ſubſequent conduct will afford the ſtrongeſt proof, that by doing this he had no intention of wronging us; for, when Dinias was dead, and our affairs were in a diſtreſſed condition, he was ſo far from neglecting us, or ſuffering us to want neceſſaries, that he bred us in his own houſe, whither he himſelf had conducted us, and ſaved our patrimony from unjuſt creditors, who ſought inſidiouſly to deprive us of it; nor were our concerns leſs attentively managed by him than his own: from theſe acts, therefore, rather than from his written teſtament, it is proper to collect his intention towards us; and not to be biaſſed by what he did through anger, by which all of us are liable to be hurried into faults, but to admit the clear evidence of thoſe facts, which afterwards explained his deſign. Still farther: in his laſt hours he manifeſted the affection, which he bore us; for, being confined by the diſorder of which he died, he was deſirous of revoking his will, and with that intent ordered Poſidippus to bring the officer who had the care of it; which order he not only diſobeyed, but even refuſed admittance to one of the magiſtrates, who came by chance to the door: Cleonymus, enraged at this, gave the ſame command on the next day to Diocles; but, though he ſeemed not dangerouſly ill, and we had great hopes of his recovery, he ſuddenly expired that very night.

First

First then, I will prove by witnesses, that he made this will, not from any dislike to us, but from a settled aversion to Dinias; next, that, when Dinias was no more, he superintended all our affairs, and gave us an education in his house, to which he had removed us; and thirdly, that he sent Posidippus for the magistrate, who was so far from obeying the order, that, when one of the proper officers came to the door, he refused to introduce him. Call those who will prove the truth of my assertion. WITNESSES. Call likewise those, who will swear, that Cephisander and the other friends of our adversaries were of opinion, that the whole estate should be divided, and that we should have a third part of all, which Cleonymus possessed. WITNESSES.

Now it seems to me, judges, that all those who contend for the right of succession to estates, when, like us, they have shown themselves to be both nearest in blood to the person deceased, and most connected with him in friendship, may be excused from adding a superfluity of other arguments: but since men, who have neither of those claims, have the boldness to dispute with us for that which is legally ours, and to set up a fictitious title, I am willing in a few words to give them an answer. They ground their pretensions on this will, and admit that Cleonymus sent for the magistrate; not, say they, with an intent to cancel it, but with a resolution to correct it, and to secure the legacy more strongly in their favour: now consider, whether it be more probable, that our uncle should wish to recall a will made in anger, at a time when he was most intimate with us, or should meditate by what means he might be surest to deprive us of his inheritance. Other men, indeed, usually repent at length of the wrongs, which they have done their friends in their passion; but our opponents would convince you, that, when he showed the warmest regard for us, he was most desirous of establishing the will, which, through resentment against our guardian, he had made to our disadvantage: so that, even should we confess this idle fiction, and should you persuade yourselves to believe it, you must

muſt ſuppoſe him to have been mad in the higheſt degree; for what madneſs could be greater than to injure us, becauſe he had quarrelled with Dinias, and to make a diſpoſition of his property, by which he took no revenge on his enemy, but ruined his deareſt friends, and afterwards, when we lived with him on terms of the ſtricteſt friendſhip, and he valued us above all men, to intend that his nephews alone (for ſuch is their aſſertion) ſhould have no ſhare in his fortune? Could any man, judges, in his ſenſes entertain ſuch a thought concerning the diſtribution of his eſtate?

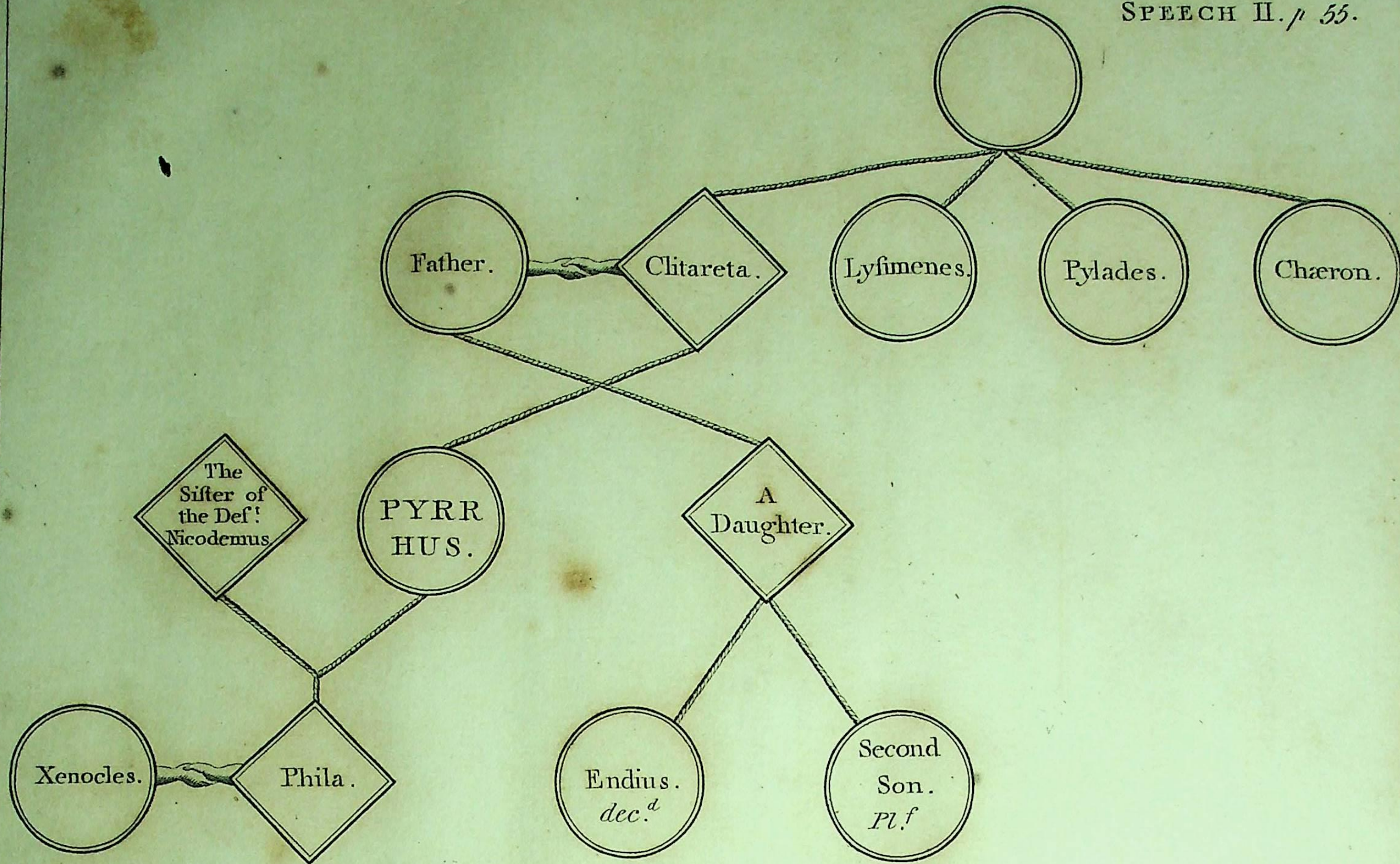
Thus from their own arguments they have made it eaſy to decide the cauſe againſt themſelves; ſince if he ſent for the officer, as we contend, in order to cancel the will, they have not a ſhadow of right; and, if he was ſo void of reaſon, as to regard us leaſt, who were moſt nearly connected with him both by nature and friendſhip, you would juſtly decree, that his will was not valid. Conſider farther, that the very men, who now pretend, that Cleonymus deſigned to eſtabliſh their legacy, durſt not obey his order, but diſmiſſed the magiſtrate, who came to the houſe; and thus, one of two moſt oppoſite things being likely to happen, either a ſtronger confirmation of the intereſt bequeathed to them, or a total loſs of all intereſt in the fortune of the teſtator, they gave a plain indication of what they expected, by refuſing to admit the perſon who kept the will.

To conclude: ſince this cauſe has been brought before you, and ſince you have power to determine the conteſt, give your aid both to us and to him, who lies in the grave; and ſuffer him not, I adjure you by all the gods, to be thus deſpiſed and inſulted by theſe men; but, remembering the law, by which you are to judge, the oath, which you have ſolemnly taken, and the arguments, which have been uſed in the diſpute, give a juſt and pious judgement, conformably to the laws.

SPEECH

Vol. IV.

SPEECH II. p 55.



SPEECH THE SECOND.

ON THE ESTATE OF PYRRHUS.

THE ARGUMENT.

PYRRHUS left his eſtate to Endius, one of his ſiſter's ſons, whom he had adopted; and his nephew continued in poſſeſſion of it above twenty years; but when, after his death, his mother claimed the inheritance as her brother's heireſs, one Xenocles, who had married Phila, a natural daughter of Pyrrhus by the ſiſter of Nicodemus, entered a proteſtation, that Pyrrhus had a legitimate daughter, and was conſequently diſabled from diſpoſing of his eſtate to an adopted ſon. Xenocles loſt the cauſe; but, Nicodemus having ſworn at the trial, that he had betrothed his ſiſter to Pyrrhus as a lawful wife, and that Phila was born after their nuptials, the brother of Endius proſecutes Nicodemus for wilful perjury, inſiſting that Phila was illegitimate and actually given in marriage to Xenocles as the baſtard of Pyrrhus.

SPEECH

SPEECH THE SECOND.

The Brother of Endius againſt Nicodemus.

PYRRHUS, my maternal uncle, judges, having no legitimate children, adopted my brother Endius, who ſucceeded to his fortune, and continued in poſſeſſion of it above twenty years; in which long interval not a ſingle man ever pretended to controvert his title, or to diſpute the validity of his adoption: but, laſt year, on the death of my brother, this Phila, who had ſuffered him to enjoy the eſtate without interruption, aſſerted, that ſhe was the legitimate daughter of my uncle; and her huſband Xenocles the Cyprian entered a claim in her right to the effects of Pyrrhus, who had ſo long been dead, alledging in his bill of complaint, that he died poſſeſſed of three talents; and, when my mother inſiſted on the ſuperiority of our claim, he had the confidence to proteſt, that ſhe had no title to the eſtate, becauſe Pyrrhus, to whom it originally belonged, had left a daughter born in wedlock: we traverſed this proteſtation; and, having brought before the court the perſon who ventured to make it, we clearly convicted him of having ſworn falſely, and proved his confederate Nicodemus to be the moſt impudent of men in ſupporting the other's teſtimony, and daring to aſſert upon oath, before the ſame judges, that he had betrothed his own ſiſter to my uncle, and that ſhe became his lawful wife. Now that this man's evidence at the former trial was falſe, the conviction of Xenocles undeniably demonſtrates; for, if Nicodemus had not then been thought perjured, it is clear, that his aſſociate would have ſucceeded in his proteſtation; that the legitimacy of this woman would have been eſtabliſhed; and that ſhe, not my mother, would have been declared my uncle's heireſs: but, ſince the principal actor in the cauſe was convicted of

of perjury, and the pretended daughter of Pyrrhus deſiſted from her claim, Nicodemus was at the ſame time neceſſarily found guilty of giving falſe evidence; for he ſwore to the truth of the ſame propoſition, and they were both examined to the ſame point, namely, whether the woman, in whoſe right Xenocles claimed, was my uncle's daughter by a wife or by a harlot: this was the ſingle iſſue between us, as you will perceive by hearing our croſs-depoſitions, the evidence of Nicodemus, and the proteſtation, which was over-ruled. Take and read them to the court. CROSS-DEPOSITIONS. EVIDENCE. PROTESTATION.

That the man, whom I now accuſe, was immediately thought guilty of perjury, was apparent to all who attended the trial; but it will be proper, that his guilt be proved before you alſo, judges, who are aſſembled to decide the ſame queſtion.

I deſire firſt to aſk this witneſs himſelf, what fortune he gave with his ſiſter to a man worth three talents; whether this betrothed wife left her huſband, whilſt he was alive, or departed from his houſe after his death; from whom he received his ſiſter's portion, when Pyrrhus was dead, to whom he has ſworn that he had given her in marriage; or, if it was not reſtored to him, what action he thought proper to inſtitute, for her maintenance or her fortune, againſt one, who has been twenty years in poſſeſſion of the inheritance; or whether, in ſo long a period, he once demanded the portion from the heir in any man's preſence? On the following points too I ſhould be glad to interrogate him; why nothing of what I have juſt mentioned has been done for a widow, who, as he ſwore, was lawfully married; and, whether ſhe had been betrothed to any other man, either of thoſe, who were formerly connected with her, before ſhe knew my uncle, or of thoſe whom ſhe admitted to her favours, while ſhe lived with him, or of thoſe, who have been intimate with her ſince his deceaſe? for it is notorious, that her brother gave her on the ſame terms to many others, who kept her as a miſtreſs, and

whom if it were neceſſary to enumerate, it would give me no ſmall trouble: ſome of them I will mention, if you command me; but, if it be as unpleaſant to you to hear ſuch tales, as it is diſagreeable to me to relate them, I will be contented with producing the very evidence given at the former trial, no part of which they have ventured to contradict; yet, when they admit (as they have in fact admitted, by not attempting to impeach the teſtimony of our witneſſes) that this woman was a common harlot, how can it be conceived, that ſhe was legally betrothed to Pyrrhus? You will be convinced, when you have heard the depoſitions, both that Nicodemus has ſworn what was apparently falſe, and that the judges gave a proper and legal ſentence, when they decreed, that the ſucceſſion could not belong to the daughter of a woman not lawfully married. Read the depoſitions, and let the water-glaſs be ſtopped. DEPOSITIONS. That the mother of this Phila was common to all who choſe to be connected with her, and was not the betrothed wife of my uncle, as Nicodemus had the boldneſs to ſwear, has been proved to you by the other kinſmen and neighbours of Pyrrhus, who tell you of the quarrels, riotous feaſts, and continual diſorders on her account, while ſhe lived with him; but no man preſumes to revel at the houſes of married women, who never accompany even their huſbands to publick entertainments, nor think it conſiſtent with decency to ſit at table with ſtrangers, eſpecially with the firſt who preſent themſelves; yet they have not attempted to invalidate this evidence: now to ſhow that I repeat it fairly, read once more the depoſitions of the neighbours, together with thoſe of the other witneſſes concerning her numerous train of lovers, which will ſatisfy the court, that ſhe was a common proſtitute, and never was the mother of a legitimate child. DEPOSITIONS.

From all this evidence, which you will carry in your memory, it is apparent, that the ſiſter of Nicodemus, whom he ſwore that he gave in marriage to my uncle, might have been any man's miſtreſs, but was never

never betrothed to any, nor ever ſupported the character of a matron: let us now conſider the circumſtances, from which it may be thought poſſible, that Pyrrhus really married ſo abandoned a woman, if we can ſuppoſe him capable of ſuch indiſcretion (for it ſometimes happens indeed, that young men, inflamed with the love of a harlot, and actuated by intemperate paſſion, are induced by their folly to ruin themſelves by ſuch a marriage); and how can theſe circumſtances be more clearly known, than by recollecting the teſtimony of their own witneſſes in the original cauſe, and by examining the probability of the whole tranſaction? Reflect a moment on the impudence of their aſſertion: this Nicodemus, when he was going, as he ſays, to betroth his own ſiſter into a family worth three talents, pretends that he carried with him, on ſuch an occaſion, one witneſs only, named Pyretides, whoſe depoſition they produced at the trial of the cauſe; a depoſition, which Pyretides himſelf diſclaimed; and he ſtill denies, that he gave any ſuch evidence, or knows any thing of the matter. In confirmation of this, I will mention a convincing argument, that the depoſition produced by them was forged; for you all know, that when we are going to do any publick and deliberate act, which muſt be witneſſed, we take with us our neareſt relations and moſt intimate friends, in order to have the benefit of their atteſtation; but in private acts, which are often done on a ſudden, we are contented with ſuch witneſſes, as happen to be near at hand; and, when afterwards their evidence becomes neceſſary, we muſt call thoſe, whoever they are, that were preſent at the time of the act; but when we procure the teſtimony of a witneſs, whom ſickneſs prevents from giving it publickly, or of one who is going abroad, we deſire the preſence of the moſt reputable citizens, and of thoſe whom we beſt know, not of one or of two, but of as many as we can aſſemble, to preclude the deponent at any future time from the power of denying his depoſition, and to give his evidence more weight with you, judges, by confirming it with the atteſtation of many honeſt men: thus, when

Xenocles

Xenocles went to Thebes, with an intention to eject our servants from the mines, which had been left us, he thought it not sufficient to call any persons, who happened to be there, as witnesses of that ouster, but he carried with him Diophantus of Sphettus, who was his advocate in the original cause, and Dorotheus of Eleusis, together with his brother Philochares, and many others, whom he had collected at Athens, and who travelled for that purpose full three hundred furlongs; yet, when he was going, as he says, to take a deposition in this very city concerning the marriage of his wife's mother, on which her legitimacy depended, he called together none of his friends, but only Dionysius of Erchia and Aristolochus of Æthalia; in the presence of whom it is asserted that the deposition was taken in the heart of Athens. Such are the pretences of these impostors, none of which can find credit with any discerning man! The act, which they say Pyretides attested, was frivolous, to be sure, and of a trifling nature; so that their negligence in this affair was not singular. How! was not that act to have determined the very point, on which Xenocles was tried for perjury, whether his wife was the daughter of Pyrrhus, by a married woman, or by a harlot? Would he not, if such a marriage had really been contracted, have assembled all his friends for the purpose of attesting it? Most assuredly he would, if their story had not been a fiction; but Xenocles omitted this necessary precaution, and took only two persons, whom he accidentally met, to be present at a deposition of such importance; and this Nicodemus himself pretends, that when he gave his sister in marriage to a man of so considerable a fortune, he carried with him no witness but Pyretides, who absolutely denies the fact. Lysimenes, indeed, asserts that he was invited to the marriage, together with his brothers, Chæron and Pylades; and these three were the uncles of the man, who was going to form so debasing an alliance: but you will consider, whether this be credible; for, to reason from probabilities, I should imagine, that Pyrrhus would rather have kept the

transaction

tranſaction ſecret from all his relations, if he meditated a contract ſo diſgraceful to his family, than have called his own uncles to be witneſſes of their diſgrace. This alſo fills me with ſurprize, that there was no agreement concerning a portion either on the one ſide or on the other; for, if Nicodemus gave his ſiſter a fortune, it is to be ſuppoſed, that thoſe, who pretend to have been preſent, would have recollected the ſum given; or, if our uncle was ſo enſlaved by his paſſions, as to marry a common proſtitute, her brother would have been ſtill more ſolicitous to procure evidence of his giving money with her, and would have aſſembled a number of witneſſes, that Pyrrhus might not have it in his power to diſcard her, when he pleaſed; for none of you are ignorant, that the inclinations of men impelled by their deſires are very changeable: yet this fellow ſwears, that he gave his ſiſter in marriage to ſo rich a man before one witneſs only on his part, and without any acknowledgement of a portion; and the uncles aſſert, that they were preſent, when their nephew agreed to marry this harlot without a fortune.

Theſe very uncles too have ſworn, that they were invited by Pyrrhus to an entertainment, which he gave on the tenth day after the birth of his daughter: and here I cannot ſuppreſs the vehemence of my indignation, when I ſee, that Xenocles, who claims the patrimony of his wife, has called her in his bill of complaint by the name of Phila, while the uncles of Pyrrhus, who ſwear that they were preſent on the tenth day, have declared, that her father gave her the name of her grandmother Clitareta. It is aſtoniſhing, that a man, who has now been married above eight years, ſhould not know the true name of his own wife; that he could not have learned it before from his own witneſſes; that neither his wife's mother, nor her uncle Nicodemus, ſhould in ſo long a period have informed him of it; but that, inſtead of her grandmother's name (if that name was in fact given her by Pyrrhus) he ſhould inſert the name of Phila in the very bill, by which he demands her

her paternal inheritance. What could be his motive? Could a hufband mean to deprive his wife of her grandmother's name, which her father gave, and which might be urged as a proof of her legitimacy? Is it not apparent, judges, that thefe pretended tranfactions, which, as they fwear, happened fo long ago, were invented by our adverfaries long fince the beginning of this fuit? They manifeftly were: for it is not poffible, that thefe men, who fay they were invited on the tenth day after the birth of this girl, the daughter of Pyrrhus and niece of Nicodemus, fhould remember fo accurately from that day, whenever it was, to this, and fhould fwear in court fo pofitively, that her father named her Clitareta, yet that her neareft relations, her father himfelf, her uncle, and her mother, fhould not know the name of their own child: they muft have known and ufed it, if the fact had been true; but of this I fhall again have occafion to fpeak.

As to the teftimony of Nicodemus, it is eafy to perceive from the laws themfelves, that he was apparently guilty of perjury; for, fince, when a man gives a female relation in marriage with a fum of money by way of free gift and not as a portion, for which an equivalent muft be fettled, he cannot legally require that money to be given back, if either the wife fhould leave the hufband, or the hufband difmifs the wife, whoever afferts that he has betrothed his own fifter without a fecurity for her portion, muft neceffarily appear a moft daring impoftor: for what would fuch an alliance avail him, if the man to whom he was allied might repudiate his wife, whenever he chofe, without inconvenience? Yet fuch would have been her condition, judges, had there been no ftipulation concerning her fortune. Would Nicodemus have engaged his fifter to our uncle upon thefe precarious terms, efpecially when he knew that fhe had never borne a child in fo long a courfe of proftitution, and that the ftipulated portion would by law return to him, if fhe fhould die childlefs? Can any of you, judges, believe, that Nicodemus

Nicodemus is ſo negligent of lucre, as to let ſlip one of theſe advantages? I cannot think it probable: And is this the man, whoſe ſiſter our uncle choſe to marry? A man, who in an action brought againſt him as an intruder by one of the ward, of which he pretended to be a member, obtained indeed a ſentence in his favour, but was adjudged a freeman of the city by a majority of four votes only? Read this depoſition, in proof of what I have alledged. DEPOSITION. Yet this very man, who was perfectly well apprized of the law, by which he would have been entitled to his ſiſter's fortune, had ſhe died without children, has ventured to ſwear, that he gave her in marriage to our uncle, without agreeing with him for her portion. Read the laws, to which I allude. THE LAWS. Can you, I ſay again, believe that Nicodemus, if there had been any ſuch marriage, would have been ſo ſtupidly neglectful of his intereſt, as not to provide for his own advantage with a ſcrupulous attention? No, by heaven, it ſeems impoſſible, for even thoſe, who give women to others, as their miſtreſſes, with a ſum of money, take care previouſly to bargain for the benefits, which thoſe women are afterwards to enjoy: and was Nicodemus contented with the ceremony of betrothing his ſiſter according to the forms of law, without beſtowing a thought upon any thing elſe? Nicodemus, who, for the paltry fees, which he hopes to ſcrape together for ſpeaking ſometimes before you, makes no ſcruple of acting with ſhameleſs diſhoneſty? His infamous conduct, indeed, moſt of you well know, without being reminded of it; and I am deſirous of proceeding to another argument, which will demonſtrate the abominable impudence of his aſſertions. Tell me, Nicodemus, how came it, that if you really gave your ſiſter in marriage to Pyrrhus, and if you knew that ſhe had left a legitimate daughter, you nevertheleſs permitted our brother Endius to claim and obtain the inheritance, without regarding our uncle's daughter, who was born, as you alledge, in lawful wedlock? Could you be ignorant, that, by his allowed claim of the ſucceſſion, your niece was baſtardized?

baſtardized? For, whenever an adopted ſon ſets up a title to an eſtate and obtains a decree in his favour, he proves the daughter of the deceaſed to have been illegitimate; as her father Pyrrhus, indeed, had done long before, by adopting my brother as his own ſon; for no man, who has daughters lawfully begotten, can either deviſe his eſtate from them, or aliene any part of it to their diſadvantage: this you will clearly underſtand, judges, when the laws themſelves have been read to you. THE LAWS. Does it ſeem probable then, that, if Nicodemus did betroth his ſiſter, as he has moſt confidently ſworn, he would have ſuffered my brother Endius to claim the inheritance, without ſetting up the adverſe title of his own niece, and without entering a proteſtation, that Endius had no right to her patrimony? Now that our brother not only claimed this eſtate, but had his claim judicially allowed, and that without oppoſition, this piece of evidence will convince you. DEPOSITION. When, therefore, Endius inſtituted a ſuit for his inheritance, Nicodemus neither durſt diſpute his title, nor thought proper to proteſt, that Pyrrhus left a legitimate daughter, who was his niece: he will invent, I ſuppoſe, ſome ſilly pretext for this conduct, and will pretend either that he was unapprized of our proceeding, or that our allegations are falſe; but the firſt is impoſſible, and the ſecond we have diſproved: let us proceed to another topick.

When our brother gave your niece in marriage to Xenocles, would you, Nicodemus, have ſuffered a girl, whom Pyrrhus lawfully begot, to be given away as the daughter of his miſtreſs? Would you not have informed the Archon, that ſhe, being an heireſs, was groſsly injured by an adopted ſon, and deprived of her paternal eſtate? eſpecially as theſe informations alone may be made without danger to the informant, ſince any man, who pleaſes, may ſue on behalf of an heireſs, and the complainants in ſuch cauſes are never amerced, even though the court unanimouſly decide againſt them; nor are they obliged, like other ſuitors,

ſuitors, to depoſit money as a pledge of ſupporting their complaint; but the proſecutors may proceed without inconvenience, while the defendants, if they are convicted, ſeldom fail to ſuffer an exemplary puniſhment. If then, judges, the niece of Nicodemus had been really legitimate, would he patiently have ſeen her diſpoſed of in ſuch a manner, and not have informed the magiſtrate that an heireſs was thus inſulted by a man, who had given her away as a baſtard? No: if that, which you have now ſo audaciouſly ſworn, had been true, you would inſtantly have taken your revenge of Endius, who had injured your niece; unleſs you pretend, that you were ignorant of this fact alſo. What! did not you perceive from the very portion which Xenocles took with her, that ſhe was rejected as illegitimate? This alone ſhould have excited your reſentment, and induced you to lay an information againſt Endius, for claiming (as he did juſtly claim) an inheritance of three talents, and for giving a legitimate daughter of the deceaſed in marriage to a ſtranger, with no greater portion than ten minas.—Would not this have raiſed his indignation? Would he not have complained to the magiſtrate? He would moſt certainly, had the marriage been true: nor can I perſuade myſelf, that either Endius, or any other adopted ſon, would have been ſo abſurdly regardleſs of the laws, as to give a legitimate daughter of his father in marriage to another, inſtead of marrying her himſelf; for he could not but perfectly know, that the children of ſuch a daughter would inherit their grandfather's eſtate; and would any man apprized of this law give his property away to another, eſpecially ſo large a fortune as theſe confederates have claimed? Can any of you imagine, that an adopted ſon would be ſo outrageouſly daring, as to betroth ſuch a daughter, without giving her ſo much as the tenth part of her own patrimony? Can you imagine, that, when this affair was in agitation, her uncle, who has ſworn that he gave her to Pyrrhus, would have indured ſuch an inſult? I cannot believe it—no: he would have contended for the ſucceſſion; he would have entered a proteſtation; he

would have informed the Archon; and would have followed any courſe that might effectually have ſecured the right of his niece. Yet, I repeat it, when my brother diſpoſed of this girl as of a baſtard, Nicodemus, who calls her his niece, neither thought fit to aſſert her claim to the fortune of Pyrrhus, nor to exhibit an information againſt the man, who had thus vilified her, nor was he at all indignant at the pitiful portion, which her huſband received, but ſhamefully acquieſced in all theſe tranſactions.

On each of the points juſt mentioned the laws are explicit; but read firſt the depoſition concerning the claim and adjudication of the inheritance, and afterwards that concerning the pretended marriage. DEPOSITIONS. Next read the law. THE LAW. To cloſe the whole, read once more the depoſition of the defendant. DEPOSITION of NICODEMUS. Now in what manner can an accuſer more clearly convict the perſon accuſed, than by adducing proofs both from the man's own conduct, and from the laws of his country? Of Nicodemus, therefore, almoſt enough has been ſaid.

Conſider now, whether the very man, who married his niece, may not afford a convincing argument of his guilt. It has been given in evidence, that Xenocles took the girl as an illegitimate daughter of Pyrrhus, and he himſelf eſtabliſhed the truth of that evidence by his long acquieſcence; for, had he taken her from Endius as one born in lawful matrimony, he would not have neglected, when ſo many of his children by her were adult, to aſſert againſt my brother her claim to her paternal inheritance; eſpecially, when he was prepared to deny that Endius had really been adopted by Pyrrhus, and excepted to all the witneſſes, who ſwore that they were preſent at the execution of the will; as their depoſition, which ſhall now be read, will convince you. DEPOSITION. By the actions, indeed, of theſe confederates, they manifeſtly acknowledged

acknowledged the validity of that adoption; for, had they thought it impeachable, they would not have ſubmitted to the long poſſeſſion of the laſt occupier, nor have delayed till now the claim of this woman to the fortune of Pyrrhus, who has been dead above twenty years, whereas Endius died only laſt year in the month of October, and they put in their claim on the third day after his death: now the law ordains, that whoever has a title to an eſtate muſt claim it within five years after the deceaſe of the laſt poſſeſſor; ſo that Phila had only this alternative, either to contend with Endius, while he lived, for her paternal eſtate, or, after the death of the adopted ſon, to claim the fortune of her brother by right of ſucceſſion; eſpecially if Endius, as theſe men alledge, betrothed her to Xenocles, as his legitimate ſiſter; for we all perfectly know, that it is neceſſary to make a formal claim to a fraternal inheritance, but that, when a man leaves children lawfully begotten, they immediately enter upon their patrimony and enjoy it without litigation. Thus you and all other citizens poſſeſs your paternal fortunes without fear of controverſy; yet theſe aſſociates are bold enough to inſiſt, that an adopted ſon ought not to claim the fortune, which his father left him, while they are claiming the patrimony of Phila, whom they pretend to be the legitimate daughter of Pyrrhus: the very reverſe of which is the practice eſtabliſhed by law; for, as I before obſerved, legitimate children ought not to demand a decree for their paternal inheritance, but ſons adopted by will are bound to ſue for an adjudication of the eſtate deviſed to them; becauſe no man would controvert the right of an heir by deſcent, whereas all the relations of the deceaſed would eagerly engage in a conteſt with an heir by appointment. Leſt any ſtranger, therefore, who pleaſed, ſhould commence a ſuit for ſuch eſtates, and leſt others ſhould dare to claim them as vacant inheritances, all heirs by adoption are obliged to have their title formally allowed: none of you then can ſuppoſe, that Xenocles, if he really believed his wife to be legitimate, would have claimed her patrimony in court; but

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ſhe would have entered, as lawful heireſs, on the lands of her father; and, if any one had uſed violence or attempted forcibly to retain the poſſeſſion, ſhe would have ejected him, as ſhe might, from her paternal eſtate; nor would her opponent have been expoſed to a private lawſuit only, but even to a publick information before the Archon, who might have inflicted a corporal puniſhment, or impoſed a heavy fine. I may add, that theſe uncles of Pyrrhus, if they had known that their nephew left a legitimate daughter, and that neither Endius nor any of us would marry her, would never have permitted Xenocles, who bore no relation to the deceaſed, to take a woman, who belonged to them as her next of kin: that would have been inconceivably ſtrange. The law commands, that both ſuch daughters as have been given in marriage to ſtrangers by their own fathers (yet who can determine better than a father, what may be for his daughter's advantage?) and ſuch as remain ſingle, ſhall be married to their neareſt relations, if their fathers die without leaving ſons begotten in wedlock; and many men have had their wives taken from them by force of this law: would any one of Pyrrhus's uncles then have ſuffered Xenocles to marry a daughter of their nephew, when the laws had adjudged her to one of them, and thus have made a ſtranger heir to ſo large an eſtate, inſtead of themſelves? Never believe it, judges; for no man prefers another's intereſt to his own; but if they ſhould pretend, that the adoption of Endius prevented the woman from having the quality of an heireſs, on which account they did not demand her in marriage for one of themſelves, let them firſt be aſked, why, if they allow that Endius was adopted, they took exceptions to all the witneſſes who atteſted his adoption, and why they paſſed him over, who was laſt poſſeſſor of the lands, and now illegally and informally have claimed the eſtate for Phila as heireſs to the deceaſed? Aſk them alſo (and oppoſe theſe interrogatories to their impudence) whether any legitimate child ever thinks it proper to obtain a ſentence of the court for his own patrimony? That this girl however, was truly an heireſs and

and liable to be married to her neareſt kinſman, if ſhe was not illegitimate, moſt evidently appears from the law, which expreſsly ordains, that every man may diſpoſe of his eſtate by will, as he pleaſes, unleſs he has legitimate ſons; and that, if he has daughters, he may bequeath his property, but the legatees are bound to take them in marriage; ſo that a man is allowed to deviſe his poſſeſſions together with his legitimate daughters, but without them he can neither conſtitute an heir by adoption, nor appoint a ſucceſſor by will to any part of his eſtate: if Pyrrhus, therefore, adopted Endius without providing for his marriage with his daughter, ſuch an adoption was illegal and conſequently void; but if he gave her together with his fortune to his adopted ſon, how came it that you, the uncles of Pyrrhus, permitted Endius, without taking her, if ſhe was lawfully begotten, to procure a decree for eſtabliſhing his own title to the ſucceſſion? eſpecially if your nephew, as you gave in evidence, had requeſted you to ſuperintend the intereſts of the girl? This too, honeſt men, you will ſay, eſcaped your memory: yet, when ſhe was betrothed and given away by Endius, you, her father's uncles, ſuffered the daughter of your nephew to be thus treated as his baſtard; you who ſwear that you were preſent, when Pyrrhus took her mother as his lawful wife, and that you were invited by him to an entertainment on the tenth day after the child's birth. Thus, when your nephew had enjoined you (for this is the worſt part of your conduct) to conſult the girl's intereſt, your mode of conſulting it was to let her be diſpoſed of as baſe born, though ſhe bore the name, as yourſelves have ſworn, of your own ſiſter. From all this, as well as from the reaſon of the thing, it is manifeſt, that theſe confederates are the moſt impudent of mortals; for with what view could my uncle, if he had a legitimate daughter, adopt my brother as his ſon? Had he any nearer kinſmen than we, whom he meaned to exclude from the right of demanding his daughter in marriage? But there neither exiſted nor exiſts (for he had no ſons) any nearer relation to him than ourſelves; ſince

ſince he had no brothers, nor brother's ſons, and we are the children of his ſiſter. They will urge, that, had Pyrrhus choſen to adopt any of his other kinſmen, he would have given his daughter, together with his eſtate; yet why ſhould he thus openly and unneceſſarily affront any one of his relations? It was in his power, if he had really married the ſiſter of Nicodemus, to introduce his daughter by her to the men of his own ward, as born in wedlock; by which care he might have made her ſole heireſs of all his fortune, and might have directed, that one of her ſons ſhould be adopted as his own; for he well knew, that, by leaving her his heireſs, either one of us, his nephews, might have procured a decree for taking her in marriage, or, in caſe of our refuſal, one of theſe ready witneſſes, his uncles, might have married her; or, had they too declined the match, his next neareſt relation might have taken her, by a ſentence of the court, with all his property; this he would have effected by introducing her as his daughter to the ward, of which he was a member, and by not adopting my brother; but by the adoption of Endius, and the want of admitting Phila as his daughter, he not only declared her, as he ought to do, illegitimate, and deprived her of all right to the ſucceſſion, but actually appointed my brother heir to the whole eſtate.

Now, to convince you, that our uncle neither gave a nuptial feaſt, nor thought proper to admit the girl, whom they call his legitimate daughter, to his ward, according to the ancient cuſtom, the teſtimony of thoſe, who belong to the ſame ward, ſhall be read to you—Read: and do you ſtop the water-glaſs. DEPOSITION. Read now the proofs of my brother's adoption. EVIDENCE. Can you then give credit to the teſtimony of Nicodemus, in preference to the ſuperior evidence of my uncle's own conduct? Will any man endeavour to perſuade you, that Pyrrhus really married a common harlot? You will not be perſuaded, unleſs Nicodemus inform you, as I ſaid in the beginning of my ſpeech,

ſpeech, with what portion he betrothed his ſiſter to Pyrrhus; before what magiſtrate ſhe declared, that ſhe had left her huſband or his houſe; by whom her fortune was returned to him, after the death of my uncle; or, if he could not obtain a reſtitution of it in the courſe of twenty years, what action he brought for her alimony or for her portion againſt the occupier of the eſtate: let him alſo declare, whether he had betrothed her to any one elſe, either before or after her pretended marriage with Pyrrhus, or whether ſhe had children by any other man. Interrogate him to theſe points, and do not forget to examine him concerning the marriage-feaſt ſuppoſed to be given to the members of his ward: this is no light argument againſt the teſtimony of Nicodemus; for, could they have prevailed with him to marry the woman, he might ſurely have been induced to give an entertainment to the men of his ward, and to preſent this girl to them as his legitimate child, who, if he had been really married, was heireſs to a fortune of three talents. He would have been obliged alſo to entertain the wives of his companions at the feſtival of Ceres, and to have borne ſuch offices in his borough on account of his wife, as are required from a man of his poſſeſſions: yet nothing of this kind will appear to have been done. The members of his ward have given their evidence: I ſhall, therefore, conclude with the teſtimony of his fellow-burgeſſes. DEPOSITIONS.

SPEECH

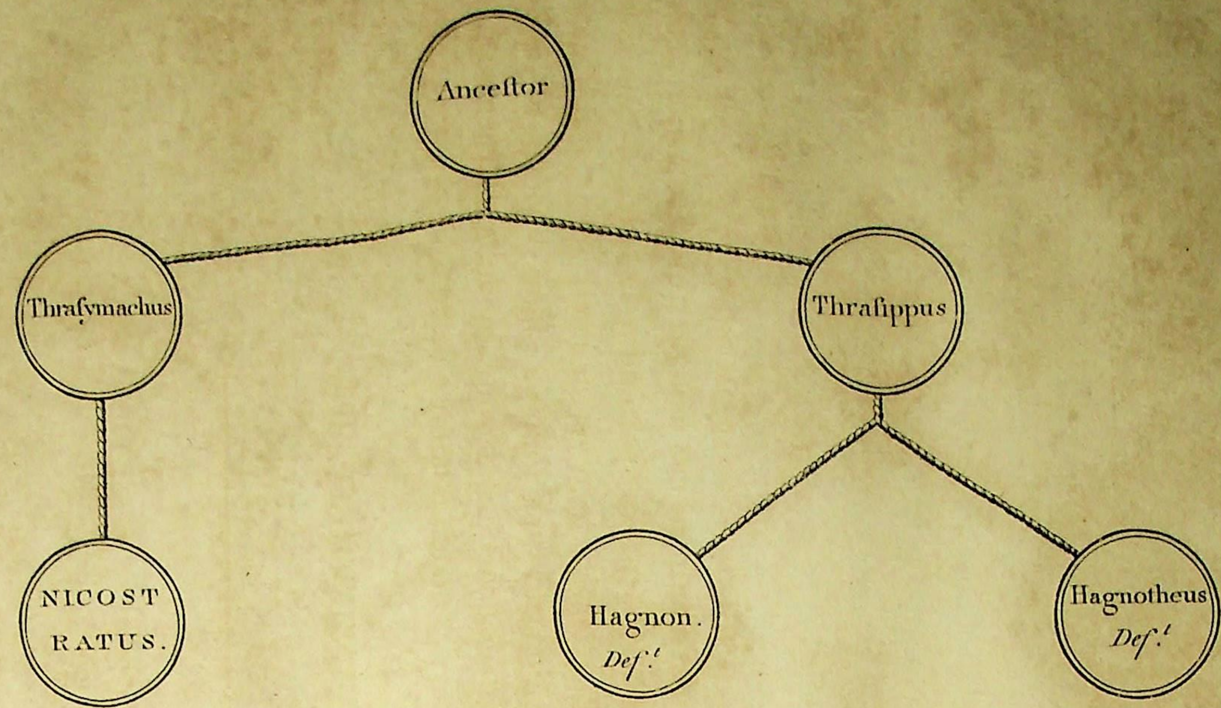
SPEECH THE THIRD.

ON THE ESTATE OF NICOSTRATUS.

THE ARGUMENT.

NICOSTRATUS dying in a foreign country, Hagnon and Hagnotheus, his first cousins, contend for the right of succession to his estate against Chariades, who claims under a will. This speech is by some supposed to have been delivered by Isæus in his own person as next friend to the young men, whose cause he supported; but Reiske well observes, that no argument in favour of this opinion can be drawn conclusively from the opening of the speech; since the words *my intimate friends* might have been used by any other speaker.

SPEECH III. p. 72.



SPEECH THE THIRD.

Hagnon and Hagnotheus against Chariades.

SINCE Hagnon and Hagnotheus, judges, are my intimate friends, and their father long ago was closely connected with me, it will become me to defend them with the best of my abilities: now as neither of them has ever been out of Attica, it will not be possible for them to come prepared with evidence of transactions in foreign parts, nor easy to confute their opponents, if they should tell a fictitious story; but what has passed in our own country will, in my opinion, afford a sufficient proof, that all they, who claim the fortune of Nicostratus as legatees, aim only at deluding and insulting you.

First then, judges, it will be proper for you to consider the difference of the names in our respective bills of complaint, and to determine which claim has been made more naturally and with more simplicity; for Hagnon and Hagnotheus have alledged in their bill that Nicostratus was the son of Thrasymachus, and declare that they are his cousins, both which allegations they prove by witnesses; but Chariades and his coadjutors in this cause assert, that one Smicrus was the father of Nicostratus, yet claim those effects which belonged to the son of Thrasymachus; and, though my clients neither pretend to know the name of Smicrus, nor are related to any such person, but maintain, that Thrasymachus was the father of their cousin, yet to this estate also these associates have set up a title. If each party agreed in the name, nothing more would be left for your decision, than singly, whether that Nicostratus, whom both sides have in contemplation, made a will or not; but how can the same man be said in the same cause to have two fathers?

fathers? To this abſurdity has Chariades reduced himſelf; for having claimed a right of ſucceſſion to Nicoſtratus the ſon of Smicrus, he has inſtituted his ſuit againſt thoſe, who claim as next of kin to the ſon of Thraſymachus, and has tendered an iſſue, that the ſon of both theſe men was one and the ſame Nicoſtratus. Now all this is a mere trick and a preconcerted ſcheme; for they are well aware, that while the caſe remains ſimple and not involved in this perplexity, my friends will have no difficulty in proving, that Nicoſtratus never made a will; but, if they introduce the name of a different father, and contend, neverthelеſs, for the ſame eſtate, they are perfectly ſenſible, that we muſt uſe a longer argument to prove, that Nicoſtratus was the ſon of Thraſymachus, than to convince you, that no will was made by him: beſides, had they confeſſed, that Nicoſtratus was his ſon, they could not have denied, that theſe young men were couſins to the deceaſed; but by fabricating a new father to him, they have drawn into queſtion not his will only, but his pedigree.

This contrivance, and not this alone, but all that has happened from the beginning, will convince you, that other perſons, beſides thoſe who appear in the cauſe, have brought this trouble on my clients; for, when the ſucceſſion to a fortune of two talents had been ſix times litigated, who did not ſhave his head? Who did not put on mourning cloaths? As if by a falſe ſhow of ſorrow they were ſure of ſucceeding to the eſtate. How many fictitious kinſmen and ſelf-adopted ſons laid claim to the goods of Nicoſtratus? Firſt, one Demoſthenes pretended to be his nephew; but, when he was confuted by the true heirs, he withdrew his demand. Telephus next aſſerted, that the deceaſed had made a gift to him of all his property; but he too was very ſoon reduced to ſilence: then came Amyniades, bringing to the chief magiſtrate a child not three years old, as the ſon of Nicoſtratus, who for eleven years together had been abſent from Athens. Next, Pyrrhus of Lampra was

was abſurd enough to alledge, that the deceaſed had conſecrated his whole fortune to Minerva, and yet had given the ſame fortune to him. Laſtly, Cranaus and Cteſias of Beſa began with aſſerting, that they had obtained judgment for one talent in a ſuit againſt Nicoſtratus; and, when they failed in their proof, had the impudence to declare that he had been their freedman. Theſe were the men, who firſt led their forces againſt the poſſeſſions of Nicoſtratus: Chariades was then at reſt; but afterwards he both ſet up a title for himſelf, and even produced his own child by a harlot, as the ſon of the deceaſed, hoping either to be maſter of the eſtate, or to procure for his baſtard the freedom of the city; till perceiving, that he ſhould be unable to prove him legitimate, he diſcontinued the claim of the infant, and has put in iſſue his own right under a will.

It were much to be wiſhed, judges, that every claimant of an eſtate by gift or teſtament, who fails in proving his title, ſhould not pay the ordinary coſts of the ſuit, but be amerced for the publick benefit to the full amount of the fortune which he falſely claimed; for then, neither would the laws be deſpiſed, nor families inſulted by theſe impoſtors, nor fictions invented about the dead: but, ſince all ſtrangers who pleaſe may at no great expence diſpute the right of ſucceſſion to any eſtate whatever, it behoves you to weigh the pretenſions of ſuch men with a ſcrupulous exactneſs, and to let no exertion of your faculties be wanting in ſuch a cauſe. To me, indeed, it ſeems, that in ſuits concerning wills, and in them only, greater ſtreſs ſhould be laid on circumſtantial proof than on the poſitive aſſertion of witneſſes; for when other inſtruments are litigated, it is not always difficult to prove a witneſs perjured, when he ſwears in the lifetime and even in the preſence, as it often happens, of the ſuppoſed party to the deed; but when the validity of a will is in diſpute, how can it be known that falſe evidence is given,

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unlefs there be palpable contradictions in it, when the teftator is no more, his family are uninformed of the tranfaction, and the mode of proof is by no means clear or convincing? Let me add, judges, that the generality of teftators fay nothing to the witneffes concerning what they have bequeathed, but call them only to atteft the fimple execution of the will: now it frequently happens, that the inftrument is altered, and a forged will fubftituted for the real one; while the witneffes are ignorant whether that produced in the fuit be the fame with that which they attefted. Since then even they, who were confeffedly prefent, are liable to be deceived, how much more readily will they attempt to impofe upon you, who know nothing of what paffed? But the law, judges, intends, that a will fhall be valid, not merely if it be executed, but if the teftator be of found memory: you muft firft, therefore, confider whether a will was made at all, and next whether the maker of it had his fenfes at the time; now, fince we deny, that any fuch inftrument exifted, how can you enquire concerning the fanity of the teftator, before you are convinced, that he made his teftament? Obferve therefore the difficulty of difcovering, whether the claimants under a will have truth on their fide: but, as to thofe who claim by right of fucceffion, in the firft place no witneffes need be called to fubftantiate that right, fince all agree, that the poffeffions of the dead regularly devolve to their next of kin: befides, not only the laws concerning confanguinity, but alfo thofe concerning the alienation of eftates, are favourable to kinfmen; for they fuffer no man to difpofe of his effects, who has loft his reafon either from age or ficknefs, or any of thofe infirmities, which, as you know, are incident to nature; but the neareft relation of an inteftate, whatever might have been the ftate of his faculties, has an undifputed title to his property. Add to this, that you muft eftablifh wills on the credit of witneffes, by whom you are liable to be deceived (for if none were to fwear falfely, there would be no profecutions for

perjury),

perjury), whilſt in the other caſe you confide in none but yourſelves; for the neareſt relations ſucceed to eſtates by laws, which yourſelves have enacted.

To all this likewiſe we may add, that, if thoſe who now claim under the will, had been undeniably friends to Nicoſtratus, even that would not be concluſive in their favour; but there would then have been a probable ground for ſuppoſing the teſtament to be genuine; ſince perſons, who have no affection for their kinſmen, have ſometimes preferred to their neareſt relations by blood thoſe who were related to them only by friendſhip: but now we have fully evinced, that theſe claimants were neither friends nor companions of the ſuppoſed teſtator, nor even of the ſame ſtation with him in the army abroad.

Conſider too another fact, which moſt clearly proves the impudence of Chariades; for muſt he not be ſhamefully impudent, who neither carried out the body, nor collected the bones, after it was burned, of one who had left him a large eſtate; but ſuffered all this to be done by perſons wholly unconnected with him? and who, though he performed none of theſe holy rites enjoined by the laws, has the boldneſs to claim the poſſeſſions of the deceaſed; and, though he neglected his duty, has not omitted even to lay hands on the goods of Nicoſtratus? Nor will he himſelf deny the greateſt part of theſe charges: he will invent, no doubt, ſome fine pretences and weighty reaſons for his conduct; but, what juſt excuſe remains for a man, who plainly avows his offence?

By this time, judges, you muſt be perfectly ſenſible, that theſe men have no legal right to the fortune of Nicoſtratus, but wiſh to baffle you, and to deprive his near relations of that ſucceſſion, which the laws have given them: nor has Chariades alone acted thus, but many other falſe claimants

claimants have arifen; and, indeed, when a man dies in a foreign country, numbers often claim his fortune, who were ftrangers even to his perfon; for they think that, if they fucceed, they fhall enjoy the property of others, and fhall not, if they fail of fuccefs, incur a confiderable lofs. In thefe cafes enow may be found, who will forfwear themfelves, and fuch evidence is in its nature very obfcure; in a word, there is a vaft difference between the claims of the legatee and the heir of the deceafed: you will firft, therefore, enquire, judges, whether a will actually exifts; for of this both law and juftice require you to be certain; and now, fince you have no perfonal knowledge of the tranfaction, and fince the witneffes to the pretended will were not friends to Nicoftratus, but ftrongly in the intereft of Chariades, who demands what he has no right to claim, what can be more juft than to give the goods of a coufin to his coufins, whofe effects, had he furvived them, would have come to him, as their kinfmen in the fame degree?

Our adverfaries will perhaps affert, that Hagnon and Hagnotheus are not the coufins of Nicoftratus, fince the affociates are labouring to fupport a man who claims as legatee. Why do they not rather lay claim to the eftate themfelves, as of kin to the deceafed? Are they fo filly as to relinquifh fuch poffeffions for the fake of eftablifhing a will, when by their own account it will be more advantageous for them, that the fortune of Nicoftratus fhould be decreed to my clients than to Chariades? If my friends, who claim as kinfmen, take poffeffion of the eftate, it will at any future time be competent to the fupporters of our antagonift to prove, that they are more nearly related to Nicoftratus, and that he was the fon of Smicrus, not of Thrafymachus; but, fhould Chariades gain his caufe, no relation will ever be permitted to difturb him; for what can the kindred of a man alledge againft him who claimed under a will, and for whom judgment has been given?

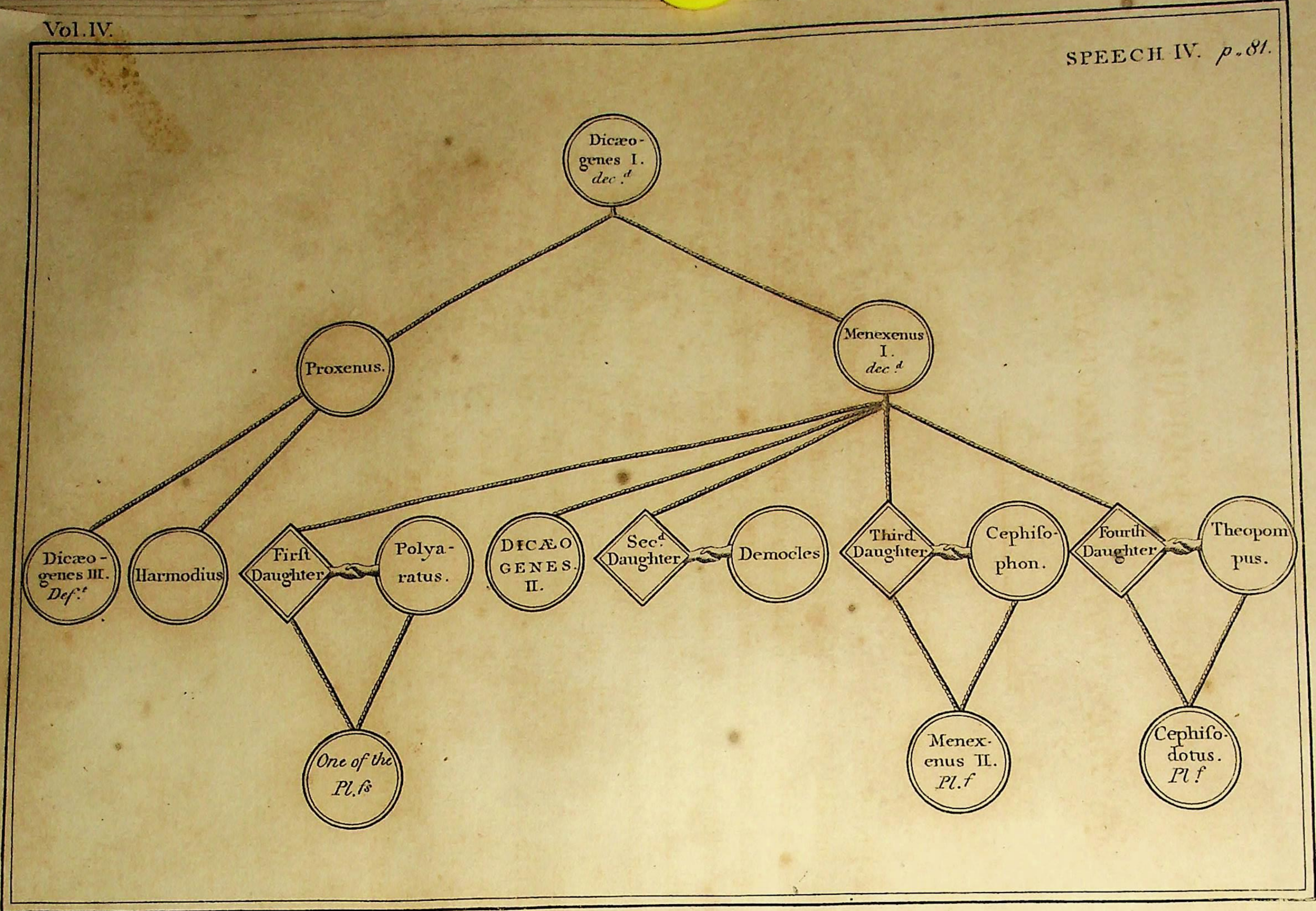
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Whatever then each of you would think juſt, were the cauſe your own, let that be your determination in the caſe of theſe youths: they have produced witneſſes before you, who have proved, firſt, that they are the couſins of Nicoſtratus, as children of his father's brother; and that no diſagreement ever ſubſiſted between them; next, that they ſupplied the charges of his funeral; that Chariades had no intimacy with him either here or in the army, and that the connection, on which he relies, is wholly fictitious. Independently too of theſe proofs, it will be right for you, judges, to conſider and weigh the qualities of the reſpective claimants. Thraſippus, the father of Hagnon and Hagnotheus, had often ſerved your publick offices, contributed to your expences, and been in all reſpects a virtuous citizen; nor have his ſons themſelves ever departed from their country except by your command; nor, while they ſtayed at home, have they been uſeleſs to the city; but they exert themſelves in their military ſtation, bring their contributions with alacrity, diſcharge every other part of their duty with faithfulneſs, and ſet an example, as all Athens knows, of decency and moderation; ſo that they were far worthier than Chariades to receive benefit from a will of Nicoſtratus; for that fellow, ſoon after he came hither, was convicted of larceny, having been caught in the very act, and committed by the magiſtrates to priſon (whence he was afterwards releaſed) together with ſome other felons, whom you publickly ſentenced to an ignominious death: afterwards being accuſed, before the council, of fraudulent practices, he made default, and, having fled from juſtice, was abſent from this city ſeventeen years, and continued abroad till the death of Nicoſtratus; nor has he at any time fought in your defence, or contributed to your ſupplies, unleſs perhaps he has given a trifle ſince the commencement of this ſuit; but no other expence has he at any time ſuſtained for your advantage. With this diſpoſition, with this character, is he not contented with eluding the puniſhment due to his crimes, but muſt he add to them ſo audacious a claim of what belongs to others?

Were

Were my clients, indeed, malevolent and buſy informers, or like too many of their fellow-citizens, he would not, I imagine, be now contending for the property of Nicoſtratus, but would be trembling at the conſequences of a criminal proſecution. Let ſome other perſon, judges, draw the publick vengeance on his head: be it your care to protect theſe injured young men; and favour not thoſe, who baſely graſp at the poſſeſſions of others, before the neareſt relations, and, let me add, in ſome meaſure the benefactors of the deceaſed; but calling to mind both the laws and your oaths, and reflecting on the evidence which we have laid before you, pronounce a ſentence conſiſtent with juſtice and truth.

SPEECH


Dicæo-genes I. dec.d
Proxenus.
Menexenus I. dec.d
Dicæo-genes III. Def.t
Harmodius
First Daughter
Polya-ratus.
DICÆO GENES. II.
Secd Daughter
Democles
Third Daughter
Cephiso-phon.
Fourth Daughter
Theopom pus.
One of the Pl.fs
Menex-enus II. Pl.f
Cephiso-dotus. Pl.f

SPEECH THE FOURTH.

ON THE ESTATE OF DICÆOGENES.

THE ARGUMENT.

DICÆOGENES, whoſe eſtate is in diſpute, had four ſiſters, all of whom were married and had iſſue. When he died without children, his uncle Proxenus produced a will, by which the deceaſed appeared to have left his couſin Dicæogenes, one of the defendants, a third part of his effects, and the legacy was accordingly delivered; but the couſin, not ſatisfied with a ſhare, inſiſted that he had a right to the whole; and, having ſet up another will in his favour, obtained a decree by ſurprize, and took the remaining two thirds from the ſiſters of the deceaſed. Afterwards the ſons of thoſe ſiſters, being prepared with their evidence, diſputed the validity of the ſecond will, and proved it to have been forged; upon which Dicæogenes undertook to reſtore the two thirds without diminution, and one Leochares was his ſurety: but on their refuſal to perform their promiſe, the nephews of the elder Dicæogenes commenced a ſuit againſt the principal and the ſurety for a ſpecifick performance of their agreement.

SPEECH THE FOURTH.

Menexenus and Others againſt Dicæogenes and Leochares.

WE had imagined, judges, that all agreements made in court concerning this diſpute would have been ſpecifically performed; for, when Dicæogenes diſclaimed the remaining two thirds of this eſtate, and was bound, together with his ſurety, to reſtore them without any controverſy, on the faith of this aſſurance we gave a releaſe of our demands: but now, ſince he refuſes to perform his engagement, we bring our complaint, conformably to the oath which we have taken, both againſt him and his ſurety Leochares. THE OATH. That we ſwore truly, both Cephiſodotus, who ſtands near me, perfectly knows, and the evidence, which we ſhall adduce, will clearly demonſtrate. Read the depoſitions. EVIDENCE.

You have heard the teſtimony of theſe witneſſes; and I am perſuaded, that even Leochares himſelf will not venture to aſſert that they are perjured; but he will have recourſe perhaps to this defence, that Dicæogenes has fully performed his agreement, and that his own office of ſurety is completely ſatisfied: if he alledge this, he will ſpeak untruly, and will eaſily be confuted; for the clerk ſhall read to you a ſchedule of all the effects, which Dicæogenes, the ſon of Menexenus, left behind him, together with an inventory of thoſe which the defendant unjuſtly took; and, if he affirms, that our uncle neither had them in his life time, nor left them to us at his death, let him prove his aſſertion; or, if he inſiſts, that the goods were indeed ours, but that we had them reſtored to us, let him call a ſingle witneſs to that fact; as we have produced evidence on our part, that Dicæogenes promiſed to give us back the

the two thirds of what the ſon of Menexenus poſſeſſed, and that Leochares undertook to ſee him perform his promiſe. This is the ground of our action, and this we have ſworn to be true. Let the oath again be read. THE OATH.

Now, judges, if the defendants intended only to clear themſelves of this charge, what has already been ſaid would be ſufficient to enſure my ſucceſs; but, ſince they are prepared to enter once more into the merits of the queſtion concerning the inheritance, I am deſirous to inform you on our ſide of all the tranſactions in our family; that, being apprized of the truth, and not deluded by their artifices, you may give a ſentence agreeable to reaſon and juſtice.

Menexenus our grandfather had one ſon named Dicæogenes, and four daughters, of whom Polyaratus my father married one; another was taken by Democles of Phrearrhi, a third by Cephiſophon of Pæania; and the fourth was eſpouſed by Theopompus the father of Cephiſodotus. Our uncle Dicæogenes, having ſailed to Cnidos in the Parhalian galley, was ſlain in a ſea fight; and, as he left no children, Proxenus the defendant's father brought a will to our parents, in which his ſon was adopted by the deceaſed, and appointed heir to a third part of his fortune; this part our parents, unable at that time to conteſt the validity of the will, permitted him to take; and each of the daughters of Menexenus, as we ſhall prove by the teſtimony of perſons then preſent, had a decree for her ſhare of the reſidue. When they had thus divided the inheritance, and had bound themſelves by oath to acquieſce in the diviſion, each perſon poſſeſſed his allotment for twelve years; in which time, though the courts were frequently open for the adminiſtration of juſtice, not one of theſe men thought of alledging any unfairneſs in the tranſaction; until, when the ſtate was afflicted with troubles and ſeditions, this Dicæogenes was perſuaded by Melas the Egyptian, to whom he

he ufed to fubmit on other occafions, to demand from us all our uncle's fortune, and to affert that he was appointed heir to the whole. When he began his litigation, we thought he was deprived of his fenfes; never imagining that the fame man, who at one time claimed as heir to a third part, and at another time as heir to the whole, could gain any credit before this tribunal; but when we came into court, although we urged more arguments than our adverfary, and fpoke with juftice on our fide, yet we loft our caufe; not through any fault of the jury, but through the villainy of Melas and his affociates, who, taking advantage of the publick diforders, affumed a power of feizing poffeffions, to which they had no right, by fwearing falfely for each other: by fuch men therefore were the jury deceived; and we, overcome by this abominable iniquity, were ftripped of our effects; for my father died not long after the trial, and before he could profecute, as he intended, the perjured witneffes of his antagonift. On the very day, when Dicæogenes had thus infamoufly prevailed againft us, he ejected the daughter of Cephifophon, the niece of him who left the eftate, from the portion allotted to her; took from the wife of Democles what her brother had given her as coheirefs; and deprived both the mother of Cephifodotus and the unfortunate youth himfelf of their whole fortune: of all thefe he was at the fame time guardian and fpoiler, next of kin, and cruelleft enemy; nor did the relation, which he bore them, excite in the leaft degree his compaffion; but the unhappy orphans, deferted and indigent, became deftitute even of daily neceffaries. Such was the guardianfhip of Dicæogenes their neareft kinfman! who gave to their avowed foes what their father Theopompus had left them, illegally poffeffed himfelf of the property which they had from their maternal uncle and their grandfather; and (what was the moft open act of cruelty) having purchafed the houfe of their father and demolifhed it, he dug up the ground on which it ftood, and made that handfome garden for his own houfe in the City. Still further; although he receives an annual rent

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of eighty minas from the eſtate of our uncle, yet ſuch are his inſolence and profligacy, that he ſent my couſin Cephiſodotus to Corinth as a ſervile attendant on his brother Harmodius; and adds to his other injuries this cruel reproach, that he wears ragged clothes and coarſe buſkins: but is not this unjuſt, ſince it was his own violence which reduced the boy to poverty?

On this point enough has been ſaid: I now return to the narration from which I have thus digreſſed. Menexenus then, the ſon of Cephiſophon, and couſin both to this young man and to me, having a claim to an equal portion of the inheritance, began a proſecution againſt thoſe who had perjured themſelves in the former cauſe, and convicted Lycon, whom he firſt brought to juſtice, of having falſely ſworn that our uncle appointed this Dicæogenes heir to his whole eſtate: when, therefore, this pretended heir was diſappointed in his hopes of deluding you, he perſuaded Menexenus, who was acting both for our intereſt and his own, to make a compromiſe, which, though I bluſh to tell it, his baſeneſs compells me to diſcloſe. What was their agreement? That Menexenus ſhould receive a competent ſhare of the effects on condition of his betraying us, and of releaſing the other falſe witneſſes, whom he had not yet convicted: thus, injured by our enemies and by our friends, we remained with ſilent indignation; but you ſhall hear the whole tranſaction from the mouth of witneſſes. EVIDENCE. Nor did Menexenus loſe the reward of his perfidy; for, when he had diſmiſſed the perſons accuſed and given up our cauſe, he could not recover the promiſed bribe from his ſeducer, whoſe deceit he ſo highly reſented, that he came over again to our ſide. We therefore, juſtly thinking that Dicæogenes had no right to any part of the inheritance, ſince his principal witneſs had been actually convicted of perjury, claimed the whole eſtate as next of kin to the deceaſed: nor will it be difficult to prove the juſtice of our claim; for, ſince two wills had been produced, one of an ancient

ancient date, and the other more recent; ſince by the firſt, which Proxenus brought with him, our uncle made the defendant heir to a third part of his fortune, which will Dicæogenes himſelf prevailed upon the jury to ſet aſide; and ſince the ſecond, under which he claims the whole, had been proved invalid by the conviction of the perjured witneſſes, who ſwore to its validity; ſince, I ſay, both wills had been ſhown to be forged, and no other teſtament exiſted, it was impoſſible for any man to claim the property as heir by appointment, but the ſiſters of the deceaſed, whoſe daughters we married, were entitled to it as heirs by birth.

Theſe reaſons induced us to ſue for the whole as next of kin, and each of us claimed a ſhare; but when we were on the point of taking the uſual oaths on both ſides, this Leochares put in a proteſtation, that the inheritance was not controvertible: to this proteſtation we took exceptions, and having begun to proſecute Leochares for perjury, we diſcontinued the former cauſe. After we had appeared in court, and urged the ſame arguments on which we have now inſiſted, and after Leochares had been very loquacious in making his defence, the judges were of opinion that he was perjured; and as ſoon as this appeared by the number of pellets, which were taken out of the urns, it is needleſs to inform you what entreaties he uſed both to the court and to us, or what an advantage we might then have taken: but attend to the agreement which we made. Upon our conſenting that the Archon ſhould mix the pellets together without counting them, Dicæogenes undertook to ſurrender two thirds of the inheritance, and to reſign them without any diſpute to the ſiſters of the deceaſed; and for the full performance of this undertaking, Leochares was his ſurety, together with Mneſiptolemus the Plotian; all which my witneſſes will prove. EVIDENCE. Although we had been thus injured by Leochares, and had it in our power, after he was convicted of perjury, to mark him with infamy, yet we

we conſented that judgement ſhould not be given, and were willing to drop the proſecution upon condition of recovering our inheritance: but after all this mildneſs and forbearance, we were deceived, judges, by theſe faithleſs men; for neither has Dicæogenes reſtored to us the two thirds of his eſtate, conformably to his agreement in court; nor will Leochares confeſs that he was bound for the performance of that agreement. Now, if theſe promiſes had not been made before five hundred jurymen and a croud of hearers, one cannot tell how far this denial might have availed him; but, to ſhow how falſely they ſpeak, I will call ſome witneſſes who were preſent both when Dicæogenes diſclaimed two thirds of the ſucceſſion, and undertook to reſtore them undiſputed to the ſiſters of our uncle, and when Leochares engaged, that he ſhould punctually perform what he had undertaken: to confirm his evidence, judges, we entreat you, if any of you were then in court, to recollect what paſſed, and, if our allegations are true, to give us the benefit of your teſtimony; for, if Dicæogenes ſpeaks the truth, what advantage did we reap from gaining the cauſe, or what inconvenience did he ſuſtain by loſing it? If, as he aſſerts, he only diſclaimed the two thirds, without agreeing to reſtore them unencumbered, what has he loſt by relinquiſhing his preſent claim to an eſtate, the value of which he has received? For he was not in poſſeſſion of the two third parts, even before we ſucceeded in our ſuit, but had either ſold or mortgaged them; it was his duty, however, to return the money to the purchaſers, and to give us back our ſhare of the land; ſince it was with a view to this, that we, not relying ſingly upon his own engagement, inſiſted upon his finding a ſurety. Yet, except two ſmall houſes without the walls of the city, and about ſixty acres of land in the Plain, we have received no part of our inheritance; nor did we care to eject the purchaſers of the reſt, leſt we ſhould involve ourſelves in litigation; for when, by the advice of Dicæogenes, and on his promiſe not to oppoſe our title, we turned Micio out of a bath, which he had purchaſed, he brought an action againſt

againſt us and recovered forty minas. This loſs, judges, we incurred through the perfidy of Dicæogenes; for we, not imagining that he would recede from an engagement ſo ſolemnly made, aſſured the court, that we would ſuffer any evil, if Dicæogenes ſhould warrant the bath to Micio; not that we depended on his own word, but we could not conceive, that he would betray the ſureties, who had undertaken for him; yet this very man, who diſavowed all pretenſions to theſe two thirds, and even now admits his diſavowal, had the baſeneſs, when he was vouched by Micio, to acknowledge his warranty; whilſt I, unhappy man, who had not recovered a particle of my ſhare, was condemned to pay forty minas for having ouſted a fair purchaſer, and left the court oppreſſed by the inſults of this Dicæogenes. To prove the tranſaction, I ſhall call my witneſſes. EVIDENCE.

Thus have we been injured, judges, by this man; whilſt Leochares, who was bound for him, and has been the cauſe of all our misfortunes, is confident enough to deny what has been proved againſt him; becauſe his undertaking was not entered in the regiſter of the court: now, judges, as we were then in great haſte, we had time to enter part only of what had been agreed on, and took care to provide faithful witneſſes of all the reſt; but theſe men have a convenient ſubterfuge: what is advantageous to them, they allow to be valid, although it be not written, but deny the validity of what may be prejudicial to their intereſts, unleſs it be in writing; nor I am ſurprized, that they refuſe to perform their verbal promiſes, ſince they will not even act conformably to their written agreements. That we ſpeak truly, an undeniable proof ſhall be produced: Dicæogenes gave my ſiſter in marriage with a portion of forty minas to Protarchides of Potamos; but, inſtead of paying her fortune in money, he gave her huſband a houſe which belonged to him in Ceramicus; now ſhe had the ſame right with my mother to a ſhare of this eſtate; when Dicæogenes, therefore, had reſigned to the women

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two thirds of the inheritance, Leochares told Protarchides in what manner he had become a ſurety, and promiſed in writing to give him his wife's allotment, if he would ſurrender to him the houſe which he had taken inſtead of the portion: Protarchides, whoſe evidence you ſhall now hear, conſented; but Leochares took poſſeſſion of his houſe, and never gave him any part of the allotment. EVIDENCE.

As to the repairs of the bath, and the expenſes of building, Dicæogenes has already ſaid, and will probably ſay again, that we have not reimburſed him, according to our engagement, for the ſum which he expended on that account; for which reaſon he cannot ſatisfy his creditors, nor give us the ſhares to which we are entitled. To anſwer this, I muſt inform you, that, when we compelled him in open court to diſclaim this part of the inheritance, we permitted him, by the advice of the jury, to retain the profits of the eſtate, which he had enjoyed ſo long, by way of compenſation for his expenſes in repairs, and for his publick charges; and ſome time after, not by compulſion, but of our own free will, we gave him a houſe in the city, which we ſeparated from our own eſtate, and added to his third part. This he had as an additional recompenſe for the materials which he had bought for his building; and he ſold the houſe to Philonicus for fifty minas: nor did we make him this preſent as a reward of his probity, but as a proof that our own relations, how diſhoneſt ſoever, are not undervalued by us for the ſake of lucre; and even before, when it was in our power to take ample revenge of him by depriving him of all his poſſeſſions, we would not act with the rigour of juſtice, but were contented with obtaining a decree for part of our own property; whilſt he, when he had procured an unjuſt advantage over us, plundered us with all poſſible violence, and now ſtrives to ruin us, as if we were not his kinſmen, but his inveterate foes.

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We will now produce a ſtriking inſtance of our candour, and of his knavery. When, in the month of December, judges, the proſecution againſt Leochares was carried on with firmneſs, both he and Dicæogenes entreated me to poſtpone the trial, and refer all matters in diſpute to arbitration; to which propoſal, as if we had ſuſtained only a ſlight injury, we conſented; and four arbitrators were choſen, two by us, and as many by them: we then ſwore, in their preſence, that we would abide by their award; and they told us, that they would ſettle our controverſy, if poſſible, without being ſworn; but that, if they found it impoſſible to agree, they would ſeverally declare upon oath what they thought the merits of the caſe. After they had interrogated us for a long time, and enquired minutely into the whole tranſaction, Diotimus and Melanopus, the two arbitrators, whom we had brought, expreſſed their readineſs to make their award, either upon oath or otherwiſe, according to their opinion of the truth from the teſtimony of both parties; but the other two, whom Leochares had choſen, refuſed to join in any award at all; though one of them, Diopithes, was a kinſman of Leochares, and an enemy to me on account of ſome former diſputes, and his companion Demaratus was a brother of that Mneſiptolemus, whom I mentioned before, as one of the ſureties for Dicæogenes: theſe two declined giving any opinion, although they had obliged us to ſwear that we would ſubmit to their deciſion. EVIDENCE.

It is abominable then, that Leochares ſhould requeſt you to pronounce a ſentence in his favour, which his own relation Diopithes refuſed to pronounce; and how can you, judges, with propriety decree for this man, when even his friends have virtually decreed againſt him? For all theſe reaſons I intreat you, unleſs you think my requeſt inconſiſtent with juſtice, to decide this cauſe againſt Leochares.

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As for Dicæogenes, he deſerves neither your compaſſion as an indigent and unfortunate man, nor your indulgence as a benefactor in any degree to the ſtate: I ſhall convince you, judges, that neither of theſe characters belongs to him; ſhall prove him to be both a wealthy and a profligate citizen, and ſhall produce inſtances of his baſe conduct towards his friends, his kinſmen, and the publick. Firſt, though he took from us an eſtate, from which he annually received eighty minas, and though he enjoyed the profits of it for ten years, yet he is neither in poſſeſſion of the money, nor will declare in what manner he has employed it. It is alſo worthy of your conſideration, that, when he preſided over the games of his tribe at the feaſt of Bacchus, he obtained only the fourth prize, and was the laſt of all in the theatrical exhibitions and the Pyrrhick dances: theſe were the only offices that he has ſerved, and theſe too by compulſion; and ſee how liberally he behaved with ſo large an income! Let me add, that, in a time of the greateſt publick calamity, when ſo many citizens furniſhed veſſels of war, he would not equip a ſingle galley at his own expenſe, nor even joined with another; whilſt others, whoſe entire fortune was not equal to his yearly rents, bore that expenſive office with alacrity: he ought to have remembered, that it was not his father who gave him his eſtate; but you, judges, who eſtabliſhed it by your decree; ſo that, even if he had not been a citizen, gratitude ſhould have prompted him to conſult the welfare of the city.

Again; when contributions were continually brought by all who loved their country, to ſupport the war and provide for the ſafety of the ſtate, nothing came from Dicæogenes: when Lechæum indeed was taken, and when he was preſſed by others to contribute, he promiſed publickly, that he would give three minas, a ſum leſs than that which Cleonymus the Cretan voluntarily offered: yet even this promiſe he never performed; but his name was hung up on the ſtatues of the

Eponymi,

Eponymi, with an inſcription, aſſerting, to his eternal diſhonour, that he had not paid the contribution, which he promiſed in publick, for his country's ſervice. Who now can wonder, judges, that he deceived me, a private individual, when he ſo notoriouſly deluded you all in your common aſſembly? Of this tranſaction you ſhall now hear the proofs.

EVIDENCE.

Such and ſo ſplendid have been the ſervices which Dicæogenes, poſſeſſed of ſo large a fortune, has performed for the city! You perceive, too, in what manner he conducts himſelf towards his relations; ſome of whom he has deprived, as far as he was able, of their property; others he has baſely neglected, and forced, through the want of mere neceſſaries, to enter into the ſervice of ſome foreign power. All Athens ſaw his mother ſitting in the temple of Ilithyia, and heard her accuſe him of a crime, which I bluſh to relate, but which he bluſhed not to commit. As to his friends, he has now incurred the violent hatred of Melas the Egyptian, who had been fond of him from his early youth, by refuſing to pay him a ſum of money, which he had borrowed: his other companions he has either defrauded of ſums, which they lent him, or has failed to perform his promiſe of giving them part of his plunder, if he ſucceeded in his cauſe.

Yet our anceſtors, judges, who firſt acquired this eſtate, and left it to their deſcendants, conducted all the publick games, contributed liberally towards the expenſe of the war, and continually had the command of gallies, which they equipped: of theſe noble acts the preſents, with which they were able, from what remained of their fortune after their neceſſary charges, to decorate the temples, are no leſs undeniable proofs, than they are laſting monuments of their virtue; for they dedicated to Bacchus the tripods, which they won by their magnificence in their games; they gave new ornaments to the temple of the Pythian Apollo; and

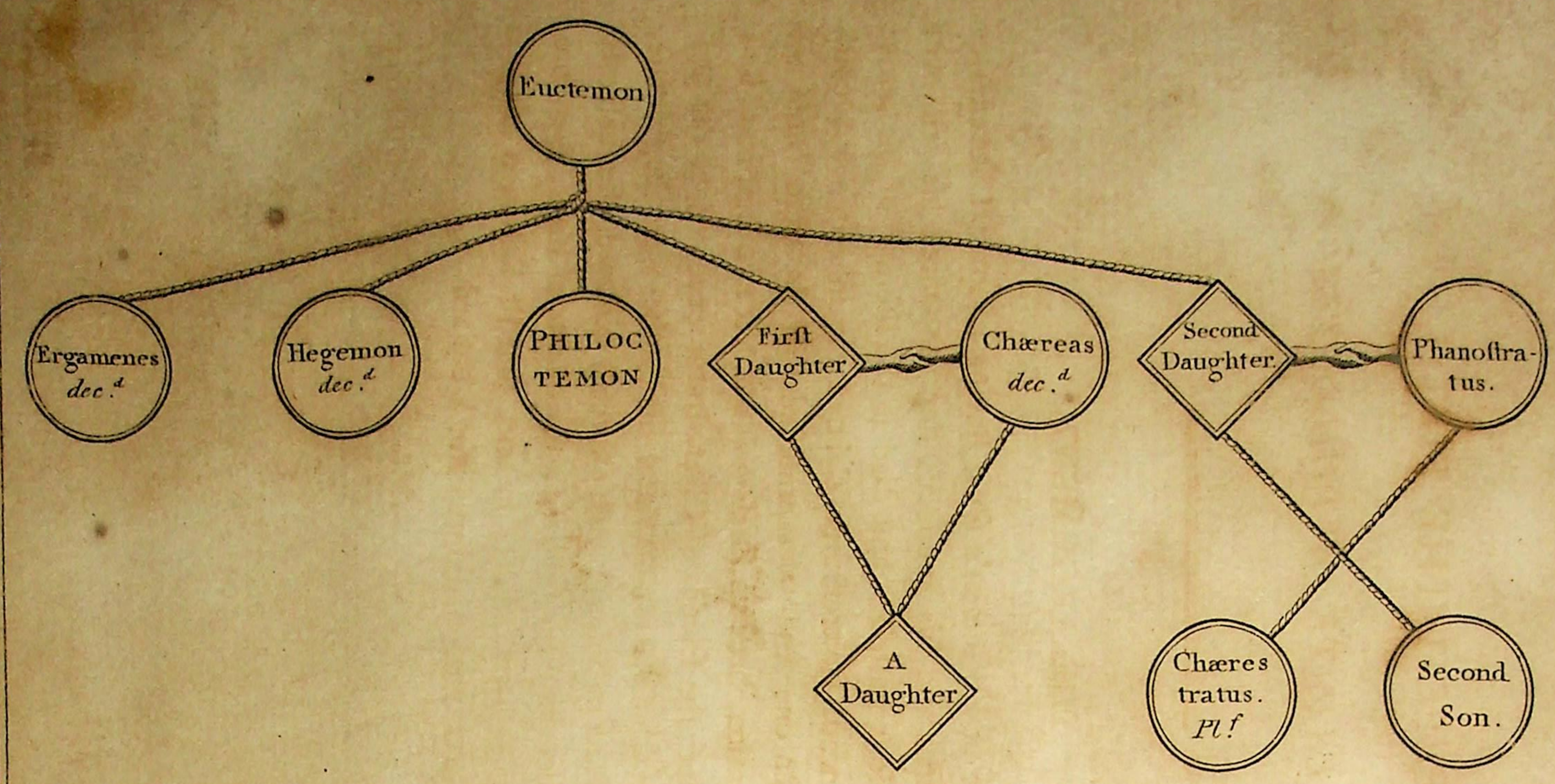
and adorned the ſhrine of the goddeſs in the citadel, where they offered the firſt fruits of their eſtate, with a great number, if we conſider that they were only private men, of ſtatues both in braſs and ſtone. They died fighting reſolutely in defence of their country; for Dicæogenes, the father of my grandfather Menexenus, periſhed in the battle of Eleuſis, where he had a command; his ſon Menexenus fell at the head of the Olyſian legion in Spartolus; and his ſon, my uncle, loſt his life at Cnidos, where he commanded the Parhalian galley.

His eſtate, O Dicæogenes, thou haſt unjuſtly ſeized, and ſhamefully waſted; and, having converted it into money, haſt the aſſurance to complain of poverty. How haſt thou ſpent that money? Not for the uſe of the ſtate, or of your friends; ſince it is apparent, that no part of it has been employed for thoſe purpoſes: not in breeding fine horſes; for thou never waſt in poſſeſſion of a horſe worth more than three minas: not in chariots; for, with ſo many farms and ſo great a fortune, thou never hadſt a ſingle carriage even drawn by mules: nor haſt thou redeemed any citizen from captivity; nor haſt thou conveyed to the citadel thoſe ſtatues, which Menexenus had ordered to be made for the price of three talents, but was prevented by his death from conſecrating in the temple; and, through thy avarice, they lie to this day in the ſhop of the ſtatuary: thus haſt thou preſumed to claim an eſtate, to which thou hadſt no colour of right, and haſt not reſtored to the gods the ſtatues, which were truly their own. On what ground, Dicæogenes, canſt thou aſk the jury to give a ſentence in thy favour? Is it becauſe thou haſt frequently ſerved the publick offices; expended large ſums of money to make the city more reſpectable, and greatly benefited the ſtate by contributing bountifully towards ſupporting the war? Nothing of this ſort can be alledged with truth. Is it becauſe thou art a valiant ſoldier? But thou never once couldſt be perſuaded to ſerve in ſo violent and ſo formidable a war, in which even the Olynthians and the

the iſlanders loſe their lives with eagerneſs, ſince they fight for this country; while thou, who art a citizen, wouldſt never take arms for the city.

Perhaps, the dignity of thy anceſtors, who ſlew the tyrant, imboldens thee to triumph over us: as for them, indeed, I honour and applaud them, but cannot think that a ſpark of their virtue animates thy boſom; for thou haſt preferred the plunder of our inheritance to the glory of being their deſcendant, and wouldſt rather be called the ſon of Dicæogenes than of Harmodius; not regarding the right of being entertained in the Prytaneum, nor ſetting any value on the precedence and immunities which the *poſterity of thoſe* heroes enjoy: yet it was not for noble birth, that Harmodius and Ariſtogiton were ſo tranſcendently honoured, but for their valour and probity; of which thou, Dicæogenes, haſt not the ſmalleſt ſhare.

Speech V. p. 95


Euctemon
Ergamenes dec.d
Hegemon dec.d
PHILOCTEMON
First Daughter
Chæreas dec.d
Second Daughter.
Phanostratus.
A Daughter
Chærestratus. Pl.f
Second Son.

SPEECH THE FIFTH.

ON THE ESTATE OF PHILOCTEMON.

THE ARGUMENT.

PHILOCTEMON, one of Euctemon's ſons, having adopted Chæreſtratus, the ſon of Phanoſtratus and his younger ſiſter, depoſited his will with Chæreas, his elder ſiſter's huſband, and died in the lifetime of his father. When he alſo was dead, Chæreſtratus claimed the inheritance according to law; and, when one Androcles proteſted that the eſtate could not be the ſubject of litigation, becauſe Euctemon had left two legitimate ſons Antidorus and another, the friends of Chæreſtratus excepted to the proteſtation, averring that both Antidorus and his brother were illegitimate, and relying upon the law of Solon, which expreſsly declared, that baſtards, whether male or female, ſhould not inherit: the clients of Iſæus, therefore, maintain the affirmative in two iſſues; in one, that Philoctemon adopted Chæreſtratus; in another, that Antidorus was a baſtard.

SPEECH

SPEECH THE FIFTH.

Chæreſtratus againſt Androcles.

THAT I am intimately connected, judges, with Phanoſtratus, and with Chæreſtratus, who now appears before you, many of you, I believe, perfectly know: but thoſe, who are unacquainted with our friendſhip, ſhall hear how ſtrong a proof I gave of it; for, when Meneſtratus ſailed to Sicily with the naval command, I, who had before been on a ſimilar expedition, foreſaw all the perils which enſued; yet, at the requeſt of theſe dear friends, I was the companion both of their voyage and of their misfortunes: now I ſhould act moſt abſurdly, if I voluntarily expoſed myſelf to ſuch imminent danger, becauſe I was connected with them and valued that connection, but ſhould now decline the taſk of ſpeaking for them, that you may decide their cauſe agreeably to your oaths, and that they may obtain complete juſtice from your verdict. I intreat you therefore to indulge me with your favour, and to hear me with benevolence; for this is no trifling conteſt, but a queſtion of the higheſt importance to the happineſs of my friends.

Philoctemon of Cephiſia, the ſon of Euctemon, had ſo great a regard for Chæreſtratus, that he adopted him by will and appointed him ſucceſſor to his eſtate: when, therefore, Chæreſtratus claimed his ſucceſſion in due form (at which time any Athenian had a right to ſet up an adverſe claim in a direct courſe of law, and, if he could prove a better title, would have enjoyed the fortune) this Androcles, inſtead of bringing a fair and regular action, entered a proteſtation that the eſtate was not liable to controverſy, intending to prevent my friend from ſupporting his claim, and you from determining who is the rightful heir of Philoctemon:

temon: thus in a ſingle cauſe and by a ſingle decree he hopes to obtrude upon the deceaſed two fictitious brothers, who bear no relation to him; to poſſeſs the property himſelf without a competitor; to diſpoſe as he pleaſes of Philoctemon's ſiſter; and to deſtroy the efficacy of his teſtament.

Of the many audacious falſities, which the proteſtation of Androcles contains, that concerning the will ſhall be firſt confuted; and I will prove not only that Philoctemon made a will, but that he appointed Chæreſtratus to be his ſon and ſucceſſor; for, as he had no children by his wife, as the war was carried on with violence, and as his frequent expeditions both by land and ſea expoſed him to continual danger, he reſolved, leſt his inheritance ſhould become deſolate for want of an heir, to nominate one by his will: his two brothers had both died childleſs; and one of his ſiſters, who had been many years married to Chæreas, had borne him no male child; but his other ſiſter, the wife of my friend Phanoſtratus, had two ſons, the elder of whom, Chæreſtratus, he adopted as his own, and declared in his teſtament, that, if his wife was not delivered of a ſon, Chæreſtratus ſhould have his eſtate. This will, which he depoſited with his brother-in-law Chæreas, ſhall now be read to you; and then attend to the witneſſes who were preſent at the execution of it. THE WILL. EVIDENCE.

You have heard the proof of his will, and have obſerved how his eſtate is given by it to my client: now to prove that he had a power of making ſuch a teſtamentary diſpoſition, the law itſelf ſhall be produced, from which you will eaſily perceive the juſtice of the whole tranſaction. THE LAW.

This law, judges, which equally binds us all, permits every man, who has no legitimate children, to diſpoſe by will of his property, unleſs

unleſs his faculties be impaired by age, or by diſorder, or by any of the infirmities which are ſpecified in the law: now that Philoctemon had not one of theſe infirmities, I will in few words demonſtrate; for what man can have the hardineſs to impeach the underſtanding of ſo excellent a citizen, who, while he lived, received the higheſt honours from you, was advanced to the moſt important offices, and died in battle againſt your enemies? That he made his will then in his perfect ſenſes, as the law permitted him, you have heard clearly proved; ſo that on this head the falſe aſſertions of Androcles are apparent: but, as he has proteſted alſo that Antidorus was the legitimate ſon of Euctemon, this too I will ſhow to be untrue.

Euctemon, judges, had no other ſons than Philoctemon, Ergamenes, and Hegemon; he had alſo two daughters; and their mother was the daughter of Mixiades the Cephiſian: theſe are known to all his acquaintance, to thoſe of the ſame ward, and to many of the ſame borough, as they will preſently give in evidence; but, that he ever married another woman, of whom Antidorus was born, no man can pretend to know or ever to have heard in the lifetime of Euctemon. The relations of the family muſt have known all that paſſed, and we may ſuppoſe them to be the moſt credible witneſſes: call them, therefore, firſt; and then read the depoſitions of others. WITNESSES and DEPOSITIONS.

Yet further: I will convince you, that our opponents themſelves have in fact given the ſame evidence; for, at the examination before the Archon, when they depoſited the ſtated ſum, and contended that theſe young men were the legitimate ſons of Euctemon, being aſked by us, who was their mother, and whoſe daughter ſhe was, they were unable to inform us, though we proteſted againſt their allegation, and the Archon preſſed them to anſwer, as the law required. Could they, indeed,

indeed, be allowed, judges, to contend and proteſt that the ſons were legitimate, when they could not declare, who their mother was, nor mention any one of her relations? Then, to be ſure, they delayed the ſuit by pretending, that ſhe was a Lemnian; but, when they came afterwards to be re-examined, they ſaid, before any queſtion was propoſed, that the mother of the young men was Callippe, the daughter of Piſtoxenus; thinking it ſufficient to pronounce a name, which they had probably invented: when we aſked who this Piſtoxenus was, and whether he was living or not, they anſwered, that he died fighting in Sicily, and left his only daughter to the care of Euctemon, to whom, while he was her guardian as well as huſband, ſhe bore theſe two ſons. A moſt audacious aſſertion, and palpable fiction! as I will prove to you by their very anſwers at the examination; for two and fifty years have elapſed from the Archonſhip of Arimneſtus, when our armament embarked for Sicily, and the elder of theſe youths, whom they pretend to be the ſons of Euctemon and Callippe, has not paſſed his twentieth year: if then we deduct his age from the time ſince the Sicilian expedition, there remain above thirty years; ſo that Callippe could neither be in ward at that age, nor could ſhe have remained ſo long unmarried and childleſs, but muſt have had a huſband either by the authority of a guardian, or by an adjudication of the court. Beſides, ſhe muſt have been known by the friends of Euctemon, and by his ſervants, if ſhe really was married to him and lived ſo many years in his houſe; for it is not enough to produce mere names at an examination, but it is neceſſary to ſhow that the perſons actually exiſted, and to prove their exiſtence by the teſtimony of thoſe who were connected with them: yet when we challenged them to ſummon any of Euctemon's friends, who knew that ſuch a woman as Callippe lived with him or was his ward, and urged them to decide the controverſy by the evidence of ſuch domeſticks as were ſtill alive, or to deliver up to us any of their ſlaves, who might be compelled to diſcloſe what they remembered of the tranſaction, they would

would neither give up their own ſlaves to be queſtioned, nor take ours for that purpoſe. Officer, read their anſwer, together with our depoſitions and challenges. ANSWER. DEPOSITIONS. CHALLENGES.

So deciſive a mode of proof have they declined; but it ſhall be my care to inform you, who this woman and her children are, and to deſcribe to you thoſe, who have declared them to be legitimate, and are ſtriving to procure for them the inheritance of Euctemon. It may perhaps be unpleaſant to Phanoſtratus, to hear the misfortunes of his father-in-law opened to the court; but it is expedient to ſay a few words concerning them, that, when you are apprized of the truth, you may be more able to decide according to juſtice.

Euctemon lived ſix and ninety years, the greater part of which time he paſſed with apparent proſperity; for he had an affluent fortune, a wife and hopeful children, with other ingredients of happineſs; but in his advanced age he met with no ſmall calamity, which threw his whole family into diſorder, conſumed a great part of his eſtate, and occaſioned a diſſenſion between him and his moſt intimate friends: what was the ſource of this evil, and in what manner it happened, I will explain as conciſely as I am able.

He had a freedwoman, who inhabited a houſe of his in the Piræus, where ſhe kept ſeveral female ſlaves, and among them one named Alce, whom, I fancy, moſt of you know: after this Alce had been bought, ſhe lived many years in that houſe, but, when ſhe grew older, was removed from it. While ſhe continued there, one Dio, a freedman, was connected with her, and by him, as ſhe herſelf declared, ſhe became the mother of theſe two young men, whom Dio educated as his own; till having committed a great miſdemeanor, and fearing a proſecution, he ſtole away to Sicyon: after which Euctemon gave Alce the care of his houſe

houſe in Ceramicus by the little gate, where they ſell wine. When ſhe was ſent thither, judges, ſhe was the occaſion of many and great diſorders; for Euctemon, going frequently to collect his rents, paſſed a conſiderable part of his time in that houſe, and even ſometimes ſat at table with the woman, having left his wife and children in the houſe, which he uſually inhabited; and, though his family were highly diſpleaſed, yet he perſiſted in his courſe, and ſpent his whole time with Alce, having either by poiſon, or by diſorder, or by ſome other infirmity, ſo totally loſt his underſtanding, that he was perſuaded by her to offer the elder of her two boys to the men of his ward under his own name; but when Philoctemon oppoſed his admiſſion, and the members of the ward refuſed to admit him, or to accept of the victim uſually given on ſuch occaſions, the old man, being enraged againſt his ſon, and deſiring to diſtreſs him, made a propoſal of marriage to the ſiſter of Democrates the Aphidnean, with an intent to educate and adopt her children as his own, if Philoctemon would not conſent to have the other admitted: upon which his relations, knowing that he could have no more children at his age, but that ſuppoſititious ſons might be produced, which would raiſe ſtill more violent animoſities, adviſed Philoctemon, judges, to give his conſent that his father ſhould introduce the boy to the ward, as he deſired, and allot a farm for his ſupport. In this advice Philoctemon acquieſced, heartily aſhamed of his father's dotage, but not knowing how elſe to ſecure himſelf from the calamity which threatened him: when therefore an agreement was made to that effect, and the boy was admitted as a member of the ward, Euctemon dropped his project of marrying, by which he ſhowed that his deſign had not been formed with a view to having children of his own, but for the ſake of admitting the baſtard of his miſtreſs; for what occaſion, judges, had he to marry, if, as they inſiſt, he had ſons born in wedlock with a citizen of Athens? Who could have prevented his admitting them to their freedom? Why ſhould he introduce them upon certain conditions, when the law had ordained,

ordained, that all children, begotten in matrimony, ſhould have an equal ſhare of their paternal fortune? Or why, laſtly, did he admit into his ward the elder only of the boys, and pay no regard to the younger, whom from the day of his birth he had not mentioned either to Philoctemon whilſt he was alive, or to any of his friends? Theſe are the men, Androcles, whom you have averred, in your proteſtation, to be the legitimate ſons of Euctemon. Now, to prove the truth of my aſſertions, let the depoſitions be read. DEPOSITIONS.

After this tranſaction Philoctemon was ſlain at Chios in a naval engagement, in which he had the command of a galley; and Euctemon declared, in open court, that he was deſirous of recording his agreement with his ſon; at the ſame time Phanoſtratus, accompanied by his kinſman Chæreas, was on the point of ſailing with the fleet, which Timotheus conducted; and the veſſel, which he commanded, was juſt weighing anchor at Munichia, when Euctemon went thither attended by ſome friends, and, having written a will declaratory of the conditions on which he adopted this Antidorus, he depoſited the inſtrument with his relation Pythodorus of Cephiſia. Now, that he acted in this manner, not as if he had legitimate children, both Androcles has proved, and the fact itſelf ſufficiently demonſtrates; for no man bequeaths any thing as a legacy to his own ſons, ſince the law gives every ſon the poſſeſſions of his father, and permits not any man, who has children begotten in wedlock, to diſpoſe of his eſtate by will.

When the writing had lain almoſt two years with Pythodorus, and Chæreas in the mean time was dead, theſe aſſociates, being ſubſervient to the inclinations of Alce, perceiving the property of Euctemon to be continually waſted, and concluding from his dotage, that a fair opportunity preſented itſelf, began their attack in concert; and firſt they prevailed with Euctemon to revoke his will, as diſadvantageous to the boys;

becauſe

becaufe his daughters only and their children would inherit his vifible property, but, if he fold part of his land and left the fum which he received for it, the adopted fon and his friends would take firm poffeffion of the money. The old man, perfuaded by this reafoning, demanded his will of Pythodorus, and inftituted a fuit for the production of it: when Pythodorus, therefore, appeared before the Archon, Euctemon declared that he wifhed to cancel his will; and his kinfman affured both him, and Phanoftratus who was prefent, that he did not oppofe his intention, but, as Chæreas, who had joined with Euctemon in depofiting the will, had left a daughter, he thought it proper to defer the revocation of it till fhe could give her confent, and have a hufband or guardian who might confirm her act: as the Archon was of the fame opinion, Euctemon, having made a declaration before the magiftrate and his affeffors, in the hearing of many witneffes whom he called, that his teftament was no longer valid, left the court.

Soon after this they proceeded to thofe acts, with a view to which they had perfuaded him to refcind his will: they fold the Athmonian eftate for feventy-five minas to Antiphanes; the Serangian bath to Ariftolochus for thirty; and the houfe in the city, which had been mortgaged for four and forty minas, they conveyed to the hierophant: next they difpofed of his goats, together with the goatherd, for thirteen minas; and two carriages to be drawn by mules, one for eight minas, and the other for five and a half; not omitting any of the flaves, who worked for his benefit. The fum, which they collected from the fale of thefe effects very foon after the death of Philoctemon, amounted to more than three talents. I will now call witneffes, who will fwear to the truth of all my affertions. EVIDENCE.

Thus were thefe poffeffions aliened: the deftruction of the reft they foon meditated, and contrived for that purpofe the moft infamous artifice,

to

to which you ſhould particularly attend; for, perceiving that Euctemon was entirely ſuperannuated, and could not even riſe from his bed, they deliberated how they might after his death effectually ſecure his property to themſelves. What was the reſult of this deliberation? They announced the two boys to the Archon as having been adopted by the two deceaſed ſons of Euctemon; and, feigning themſelves to be their guardians, petitioned the magiſtrate that the lands and houſes of thoſe orphans might be expoſed to auction, ſo that ſome part of their eſtate might be let, and ſome of it pledged as a ſecurity for the rents; that the latter might be diſtinguiſhed by columns and inſcriptions, and that they themſelves, while Euctemon was alive, might receive the profits. As ſoon therefore as the courts were full, the magiſtrate cauſed the auction to be proclaimed, and a party of theſe conſpirators began to bid for the lots; when ſome, who were preſent, ran to inform our friends of the contrivance, and they, coming without delay, apprized the judges of the whole tranſaction: upon this the court would not ſuffer the houſes to be let; but, if the ſcheme had not been detected, the whole eſtate would have been loſt. Call thoſe who were witneſſes of this affair. EVIDENCE.

Before theſe men were connected with this artful woman, and, in conjunction with her, conſpired againſt Euctemon, he poſſeſſed ſo large an eſtate, that both he and his ſon Philoctemon filled the moſt expenſive offices for your ſervice, and were ſo far from aliening their ancient poſſeſſions, that they were continually making new purchaſes with the money, which they had ſaved; but, when Philoctemon died, ſuch was the diſorder which prevailed, that not half of his former eſtate remained, and the rents were all extinguiſhed. Nor were they ſatisfied, judges, with conſuming this property; but, as ſoon as Euctemon was dead, and his body was lying in the houſe, they were audacious enough to detain the ſervants with them, that his death might not be mentioned to his daughters, or to his widow, or to any of his relations; while they, together

together with Alce, removed all the money and furniture to the next houſe, which had been rented, and was then inhabited, by one of their crew, this very Antidorus; nor, when the widow and daughters heard of Euctemon's death from others, and came to the door, would they ſuffer them to enter; but inſiſted, that it was not their buſineſs to bury the deceaſed. Thus were they prevented from going in till juſt before ſun ſet; and when they entered, they found the body, which had lain, as the ſervants declared, unburied for two days, and perceived that all the goods had been removed by theſe confederates. The women, therefore, employed themſelves, as their duty required, in preparing the corſe for burial, while my clients were ſhowing to ſome friends, who accompanied them, the miſerable condition of the houſe; and aſked the ſervants, in the preſence of the aſſociates, to what place the effects had been carried: when they anſwered, that Androcles and the reſt had conveyed them to the houſe next adjoining, Phanoſtratus and his companions thought it neceſſary to make a legal enquiry into the robbery, and demanded the ſlaves, who had carried the goods, to be delivered up to them; but the contrivers of the miſchief would not conſent to this act of juſtice. In confirmation of my narrative, read theſe depoſitions, and this inventory of the goods which were removed. DEPOSITIONS. INVENTORY. Thus having conveyed ſo many valuable effects from the houſe, having received the money ariſing from the ſale of ſo large an eſtate, and having divided among themſelves the rents which became due in ſo long an interval, they imagine that they ſhall be maſters of the whole; and to ſuch a height of confidence have they advanced, though they durſt not meet us in a direct form of action, that they have averred the legitimacy of our two opponents by way of proteſtation; not conſidering, that they ſpeak both falſely and inconſiſtently with their previous conduct; ſince, when they appeared before the Archon, they ſtyled one of them the adopted ſon of Philoctemon, and the other of Ergamenes, whereas they now proteſt them both to be the ſons of Euctemon: yet had they been lawfully begotten, and

 had

had they been adopted, as they firſt alledged, not even then could they have been called the ſons of Euctemon; for the law forbids a ſon by adoption to return into the family, from which he was emancipated, unleſs he leave a legitimate ſon of his own in the family which adopted him; ſo that, even from their own behaviour, it is manifeſt, that their evidence is falſe. If they had then completed their ſcheme of letting the houſes, my clients would now be precluded from aſſerting their right; but as the judges declared that it was not their buſineſs to let them, theſe men have not ventured to diſpute our title in a regular courſe of law, but have proteſted, with exceſſive audacity, that the very perſons whoſe claim you rejected were lawful heirs to the eſtate. Obſerve too the aſſurance of Androcles, who firſt claimed for himſelf the daughter of Euctemon, as if ſhe had been the heireſs, and inſiſted on his right to a fifth part of the property, as if it had been liable to litigation, yet has now averred that Euctemon left a legitimate ſon. Has he not by this clearly convicted himſelf of having given falſe evidence? He certainly has; for had a ſon of Euctemon begotten in wedlock been living, his daughter could not have been heireſs, nor could the eſtate have been open to controverſy: to prove that he firſt made ſuch a claim, theſe depoſitions ſhall be read to you. EVIDENCE.

The very reverſe, therefore, has now happened of that which the law ordains; for it is enacted, that, from the Archonſhip of Euclid, no male or female baſtard ſhall have any right of conſanguinity either in civil or ſacred matters: but Androcles and Antidorus think themſelves entitled to ſtrip the daughters of Euctemon and their ſons of their inheritance, and to ſeize the poſſeſſions both of him and of Philoctemon; while this woman, who impaired Euctemon's underſtanding, and has poſſeſſed herſelf of ſo vaſt a ſum, has inſolence enough, through their perſuaſion, not only to undervalue her late maſter's friends, but even to treat the whole city with contempt. A ſingle circumſtance, which you ſhall

ſhall hear, will eaſily convince you of her lawleſs impudence; but firſt let the law be read. THE LAW.

This ordinance, judges, have you ſo piouſly and ſolemnly made, thinking it of high importance to the ſtate, that Ceres and Proſerpine, as well as all the other deities, ſhould be adored with reverence; but the mother of my adverſaries, who was confeſſedly a ſlave, whoſe whole life had been marked with infamy, and who conſequently ought neither to have entered the temple, nor to have ſeen any thing that it contained, had the boldneſs, when divine rites were performed to theſe goddeſſes, to accompany the proceſſion, to walk into the temple, and to inſpect what it was unlawful for her to ſee: the decree of the ſenate concerning her proves the truth of my allegations. THE DECREE.

You muſt then conſider, judges, whether a ſon of this woman ſhould ſucceed to the eſtate of Philoctemon, and perform holy ceremonies at his tomb, or the ſon of his own ſiſter, whom he had himſelf adopted; and whether the ſiſter of Philoctemon, who was married to Chæreas, and is now a widow, ſhould be at their diſpoſal, either to be given in marriage to any man, whom they chuſe, or to grow old in a ſtate of widowhood, or whether ſhe ought not, as a legitimate daughter, to be diſpoſed of by yourſelves as your wiſdom ſhall direct: on this point muſt your judgment now be given, for to this dangerous criſis are my clients reduced by the proteſtation. Should theſe confederates fail of ſucceſs in the preſent conteſt, and ſhould the eſtate be declared open to controverſy, they may again bring the queſtion before you in another action: yet, if a will was made by Philoctemon, which he had no power to make, his power ought now to have been diſputed; but, if he undeniably had ſuch a right, and the fact only of his having deviſed his property be denied, they ſhould not have oppoſed our claim by this collateral mode of litigation, but ſhould have brought the matter in due form to a regular iſſue.

iſſue. At preſent, what clearer method can be found of proving this man's teſtimony to be falſe, than by interrogating him thus? Whence, Androcles, do you know, that Philoctemon neither made a will nor adopted Chæreſtratus? For it is reaſonable, judges, that a man ſhould give evidence of thoſe tranſactions of which he was eye witneſs, or he may on ſome occaſions even repeat what he has heard from others. You have expreſsly averred, that Philoctemon never made a will and died childleſs; but how is it poſſible, judges, for this to be known by him? It is the ſame, as if he were to aver, that he knows what all of you are doing every day. This at leaſt, audacious as he is, he will not aſſert, that he was perpetually in Philoctemon's company, and knew every action of his life; for of all men living the deceaſed abhorred him moſt, both for his general improbity, and becauſe he alone of all his relations conſpired with Alce to embezzle the goods of Euctemon, and acted in concert with her in the manner before deſcribed.

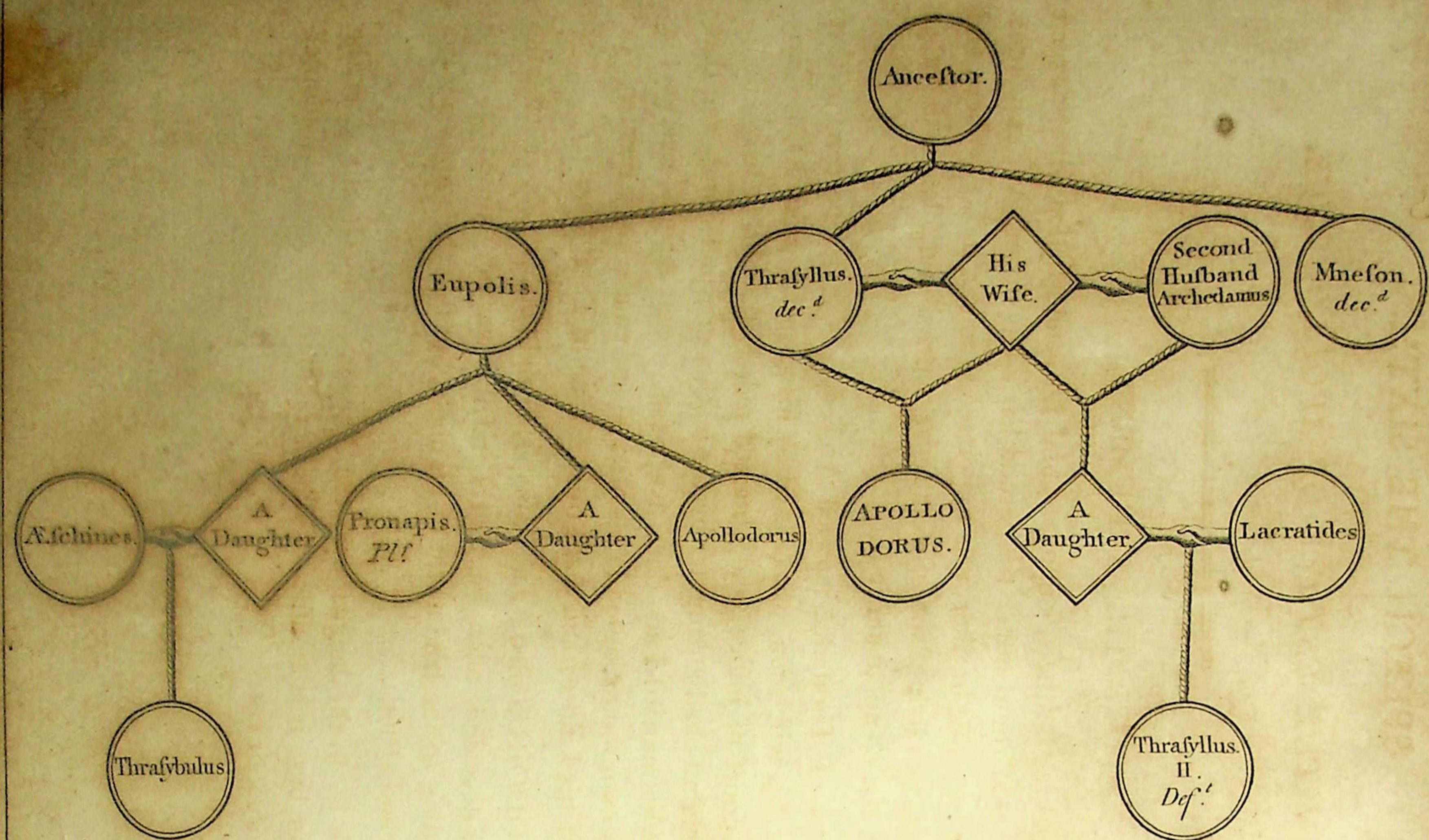
Above all it muſt neceſſarily move our indignation, that they ſhould ſo impudently abuſe the name of Euctemon, the grandfather of Chæreſtratus; for if, as they alledge, Philoctemon had no power to appoint an heir, and if the eſtate was Euctemon's, is it not more juſt that his poſſeſſions ſhould be inherited by his daughters, who were indiſputably legitimate, and by us, who are their ſons, than by men, who bear no relation to him, and who are confuted not only by our arguments, but alſo by the conduct of theſe provident guardians? This, judges, I ſupplicate and adjure you particularly to remember, as I before related it, and as you have it in evidence: that Androcles firſt declared himſelf their guardian, as if they were the legitimate ſons of Euctemon, and then claimed for his own uſe the property of their ſuppoſed father: now, in the name of the immortal gods, is it not abominable, judges, that, if theſe men be legitimate, their guardian ſhould claim for himſelf both their fortune and the daughter of the deceaſed Euctemon, as if ſhe was the

the object of a judicial conteſt, and that, if they are illegitimate, he ſhould now make an averment of their legitimacy? Theſe are plain contradictions: ſo that the falſity of his teſtimony has been proved not only by witneſſes, but alſo by his own behaviour.

As to Chæreſtratus, no man gives him aſſiſtance by proteſting that the eſtate is not open to litigation; but he deſires to proceed in the regular courſe; while this fellow prevents all others from aſſerting their claims, and, having averred that Euctemon left children begotten in matrimony, imagines that you are to be deluded with impertinent digreſſions, believing that, if he wholly omits the material heads of argument, or very ſlightly touches them, but pours forth his abuſe againſt us with a loud voice, and exclaims that my clients are rich, whilſt he is indigent, it will inſtantly appear to you, that the children were legitimate. Now my clients, judges, have ſpent a greater part of their fortune in the ſervice of the ſtate, than for their own advantage: ſeven times has Phanoſtratus equipped a galley; he has ſerved all the publick offices, and obtained many honours for the magnificence of his ſhows. Chæreſtratus too, when he was very young, furniſhed a veſſel at his own expence; ſince which time he has conducted the theatrical entertainments, and preſided over the exerciſes at the feſtival of Torches. Both of them have brought their contributions among the citizens of the richeſt claſs; hitherto they have ſerved together, and now the younger of the brothers conducts the chorus in the tragedies, has been enrolled among the three hundred, and contributes his ſhare to defray the publick charges; ſo that my friends ought not to be envied; but theſe aſſociates themſelves, I ſwear by Jupiter and Apollo, will be far juſter objects of envy, if they obtain what they have no right to claim; for, ſhould the fortune of Philoctemon be decreed to Chæreſtratus, he will diſpenſe it liberally for your benefit; and, as he has hitherto done, or even with greater alacrity, will ſuſtain every burden, which you ſhall

ſhall impoſe upon him: but ſhould theſe men be maſters of ſuch an eſtate, they will begin by diſſipating it, and end with claiming again the property of ſome other perſon. I therefore entreat you, judges, leſt you ſhould be deceived by theſe confederates, to pay a ſcrupulous attention to their proteſtation, concerning which you are now to decide; and command them to make their defence conſiſtent with that writing, as we have opened our charge in conformity to it: they have there averred, that Philoctemon neither aliened nor deviſed his eſtate, which averment has been proved falſe; for we have ſhown that he both made a will and diſpoſed of his fortune, as thoſe, who were preſent at the tranſaction, have teſtified. What elſe have they aſſerted? That Philoctemon died without children—yet how can a man be ſaid to have died childleſs, who had adopted his nephew as his ſon, to whom the law gives his inheritance as regularly as if he were an immediate deſcendant? And it is expreſsly ordained, that, if a man having a ſon by adoption, has afterwards another child, both of them ſhall equally inherit his poſſeſſions. Let him demonſtrate, therefore, the legitimacy of theſe children, as each of you can demonſtrate his own: for this is not proved by mentioning the mother's name, but by declaring the truth, by producing the relations, and thoſe who know that ſhe was married to Euctemon; by examining the members of the ſame borough and ward, if they have at any time heard, or can ſay from their own knowledge, that he was at any publick expenſe on her account; by informing you where ſhe was buried, where her monument ſtands, and where her children, who ſurvived her, ſtill perform ſacred rites; by ſhowing, laſtly, who ſaw ſuch rites performed by Euctemon, and who, either among the ſervants or among the citizens in general, knows any of theſe tranſactions. All this would be a proof, but mere invective is none; and, if you compel my antagoniſt, judges, to prove the very facts, which he has averred to be true, you will make a pious decree according to the laws, and my clients will obtain ſubſtantial juſtice.

SPEECH


Anceſtor.
Eupolis.
Thraſyllus. dec.d
His Wife.
Second Huſband Archedamus
Mneſon. dec.d
Æſchines.
A Daughter
Pronapis. Plf
A Daughter
Apollodorus
APOLLO DORUS.
A Daughter.
Lacratides
Thraſybulus
Thraſyllus. II. Def.t

SPEECH THE SIXTH.

ON THE ESTATE OF APOLLODORUS.

THE ARGUMENT.

THERE were three brothers, Eupolis, Thrafyllus, and Mnefon; the youngeft of whom died without iffue; the fecond left a fon named APOLLODORUS. Eupolis, the furviving brother, was appointed guardian to his nephew, and had two daughters living, one of whom was married to Æfchines, the other to Pronapis, the complainant in this caufe.

The widow of Thrafyllus married Archedamus, who, perceiving that Apollodorus, his wife's fon, was injured by his guardian, affifted him in applying to a court of juftice, and obtained redrefs for him in two actions. This Archedamus had a daughter by the mother of Apollodorus, and that daughter, who married Lacratides, had a fon, whom Apollodorus, on the death of his own fon, adopted in his lifetime and caufed to be regiftered in the books of his kindred and ward by the name of Thrafyllus.

APOLLODORUS died; and Pronapis, in right of his wife, claimed the eftate of the deceafed, alledging that Thrafyllus was not entered in the regifter according to the true intent of his uncle, but that the adoption was a mere fiction and artifice.

The caufe is, in the language of the Ancients, conjectural; or, in the dialect of our bar, it is an iffue, "Whether Thrafyllus was really adopted by Apollodorus, or not."

SPEECH THE SIXTH.

Thrasyllus against Pronapis.

I DID imagine, judges, that ſuch adoptions as were made by a man in his perfect ſenſes, who had conducted his adopted ſon to the ſhrine of his anceſtors, had preſented him to his kinſmen, had inſerted his name in their common regiſter, and had performed in perſon all the uſual ceremonies, were not to be controverted in a court of juſtice; but that, if a man, apprehenſive of his approaching end, had bequeathed his eſtate to another, had ſealed his teſtament, and committed it to the care of a friend, the validity of his will might afterwards be juſtly diſputed; ſince by the former mode of alienation the intent of the party is openly manifeſted, and the whole tranſaction made valid by the law, while the intention of a teſtator, being more ſecretly and obſcurely expreſſed, is liable to ſuſpicion; whence many have contended againſt the claimants under a will, that the inſtrument itſelf was forged and void: but I now perceive this diſtinction to be of little avail; for, though my adoption was a fact of general notoriety, yet the daughter of Eupolis with her huſband and their advocates come to conteſt my right to the poſſeſſions of Apollodorus.

Now had I obſerved, that you were better pleaſed with the oblique form of a proteſtation than with a direct courſe of proceeding, I could have produced witneſſes to prove that my right was inconteſtable; becauſe I am the ſon of the deceaſed by a regular adoption; but as I am ſenſible that the true merits of the cauſe cannot be known by this method, I come to inform you of the whole tranſaction, and ſhall thus preclude them from the power of imputing to me an unwillingneſs to meet them on the faireſt ground: I will demonſtrate then, not

not only that the many injuries, which Apollodorus had ſuſtained from his neareſt relations, prevented him from leaving his fortune to them, but that he legally and juſtly adopted me, who am his nephew, and the ſon of his greateſt benefactor.

I entreat you all, judges, to indulge me with a benevolent hearing; and, if I convince you, that theſe aſſociates have moſt audaciouſly claimed an eſtate to which they have no colour of title, aſſiſt me in obtaining juſtice: I will ſpeak as conciſely as I am able, in relating the whole affair from the beginning of it.

Eupolis, judges, Thraſyllus, and Mneſon, had the ſame father and mother; and their patrimony, which they divided equally among themſelves, was ſo conſiderable, that each of them was appointed by you to fill the moſt expenſive offices: two of theſe brothers periſhed nearly at the ſame time; Mneſon died in the city, unmarried and childleſs; and Thraſyllus, whoſe ſon Apollodorus afterwards adopted me, fell in the Sicilian expedition, in which he had been elected to command one of our gallies. The ſurviving brother, Eupolis, ſeized for his own uſe no ſmall part of the inheritance: he took for himſelf, under the pretence of a legacy, the whole of Mneſon's property, one half of which belonged to Apollodorus; and ſo faithful was he in his guardianſhip, that he was condemned to refund three talents, of which he had defrauded his nephew; for my grandfather Archedamus, who had married the mother of Apollodorus, and was grieved to ſee him ſtripped of all his fortune, took both my grandmother and him to his houſe, where he gave him an education, as if he had been his own ſon, and, when he was adult, aſſiſted him in claiming a moiety of Mneſon's eſtate, and all the effects of which this careful truſtee had deprived him. Thus, having obtained a decree for him in two ſuits, he recovered his whole patrimony; on which account Apollodorus retained a violent enmity

against Eupolis, as long as he lived, whilst a firm friendship subsisted, as it ought, between him and Archedamus: but from his subsequent conduct we may draw the most certain conclusion, that Apollodorus was desirous of rewarding his benefactors for the advantages which they had procured him; for, when my grandfather had the misfortune to be made captive by the enemy, Apollodorus contributed largely towards the payment of his ransom, and even gave a hostage for him, till he was able to raise the whole sum; after which, when Archedamus was reduced from affluence to urgent necessity, this truly grateful man undertook the management of his affairs, giving him a competence out of his own fortune. Yet more; when he was going with the army to Corinth, he left his estate by will to his half-sister, whose son I am, and gave her in marriage to Lacratides, who has since been appointed hierophant: such were his kindness and gratitude towards us, who had originally preserved him from ruin. Now that my assertions are true, and that Eupolis was actually cast in two actions, one for his dishonest guardianship, and the other for a moiety of Mneson's property, in both which causes my grandfather was the adviser and advocate of Apollodorus, who by our means recovered his possessions, and afterwards requited the obligation with such liberality, I will prove by the clearest evidence: call the witnesses hither. WITNESSES.

Such then and so great were the benefits, which we had conferred on him; but such was his hatred of Eupolis, who had attempted to rob him of so large a fortune, that there was no possibility of a reconciliation between them, nor can it be alledged that their connection was ever restored: of their unalterable antipathy there cannot be a clearer proof, than that Eupolis, who was descended from the same common ancestor with Apollodorus, and knew him to be a wealthy man, offered him neither of his two daughters in marriage; yet such alliances have a natural power to appease the animosities not of relations only, but of

any

any indifferent men, when they intruſt each other with the deareſt pledges of their affection: whether Eupolis, therefore, was to blame for not offering his daughter, or Apollodorus for not accepting her, this fact alone proves the continuance of their diſſenſion.

What has already been ſaid concerning their diſagreement, will, I think, be ſufficient; for I am perſuaded, that many of the oldeſt among you recollect their diſputes and litigation; ſince the importance of the cauſes, and the two decrees which Archedamus obtained againſt Eupolis, gave celebrity to the affair: but I requeſt you, judges, to hear with attention the proofs, that he adopted me in his lifetime and in perſon, and that he appointed me ſucceſſor to his eſtate, having inſcribed my name in the records of his family, and in the publick regiſter of his ward.

Apollodorus had a ſon, whom he both educated and cheriſhed, as it became him; and whom he hoped to leave heir to his fortune; but the boy dying of a ſevere illneſs in the month of December in the laſt year, his father depreſſed by ſo cruel a misfortune, and deſpairing at his age of having another child, called to his remembrance that family, from which in his youth he had received a ſignal obligation; and, going to my mother, his half-ſiſter, for whom he had the tendereſt regard, he declared his intention to adopt me, and requeſted her to reſign me to him as his ſon: ſhe granted his requeſt; and ſo eager was he to execute his reſolution, that he carried me inſtantly to his own houſe, and intruſted the whole management of it to my care; conſidering, that he was no longer capable of ſuperintending all his affairs in perſon, and that I grew continually more and more able to tranſact them. At the feſtival of the Thargelia, therefore, he conducted me to the altars among thoſe of the ſame family and ward: now it is a rule with them, that whoever introduces to them either his own ſon, or a ſon by adoption, muſt

muſt ſwear by the ſacred rites, that the perſon introduced was born of an Athenian citizen in lawful marriage; when this oath has been taken, the other members of the ſociety determine by ballot whether he ſhall be admitted; and, if they decide in his favour, he may then, but not before, have his name inſcribed in the regiſter: with ſuch exactneſs are their ordinances and cuſtoms obſerved. This then being their law, the whole aſſembly, not doubting the veracity of Apollodorus, to whom they had adminiſtered the uſual oath, and knowing that I was the ſon of his ſiſter, voted unanimouſly for the enrollment of my name; and thus was I adopted by him in his lifetime, as the law permitted him to adopt me, and regiſtered by the name of Thraſyllus, the ſon of Apollodorus: read theſe depoſitions, which prove the truth of what I have related. DEPOSITIONS.

I ſuppoſed therefore, judges, that you would readily give credit to the witneſſes, who have ſworn, and to his relations, whoſe behaviour has manifeſtly declared, that Apollodorus performed the ceremony of my adoption conformably to law; for Eupolis left two daughters; one, who was married to Pronapis, and is a claimant in this cauſe; and another, the wife of Æſchines the Luſian, who died leaving a ſon, then of full age, named Thraſybulus: now there is a law, that, if a brother by the ſame father die childleſs and inteſtate, his effects ſhall be divided equally between his ſurviving ſiſter, and the ſon of another ſiſter, who died before him; nor were my opponents ignorant of this law, as their very conduct has manifeſted; for, when the ſon of Eupolis was dead without children, Thraſybulus took a moiety of his eſtate, which may be fairly eſtimated at five talents. Thus the law gives the ſiſter and the ſiſter's ſon an equal ſhare of their father's and their brother's fortune; but, when a couſin dies, or any kinſman in a remoter degree, the male relations are called to the ſucceſſion before the female; for it is enacted, that males and the children of males, if any be living, ſhall be preferred, although

although they are lefs nearly related to the deceafed. The wife, therefore, of Pronapis ought not to have claimed even a part of this inheritance, but Thrafybulus would have contended for the whole, if he had not thought my adoption valid; whereas he neither at the beginning difputed my title, nor at any time fince has claimed the fortune of Apollodorus, but confeffes that I was legally appointed his fucceffor; whilft her advocates have attained fuch a height of impudence, that they have prefumed to claim the whole eftate. Take the laws, which my adverfaries have violated, and read them to the court. FIRST LAW. By this law the furviving fifter and her fifter's fon are entitled to an equal fhare of their brother's property. Now read the other, by which females are excluded in the fucceffion to the fortune of their coufins. SECOND LAW. Read this alfo which enacts, that, if there be no firft nor fecond coufins on the part of the father, thofe on the mother's part fhall fucceed to the eftate according to the rules there expreffed. THIRD LAW.

Such being the law, this male relation has not even claimed a part of the inheritance, while the hufband of a female has contended in her right for the whole: thus imagining, that mere audacity will avail them, they pufh it to any length in this caufe, and alledge, as a reafon for their exorbitant demand, that Thrafybulus was adopted into the houfe of Hippolochides, and emancipated from his own; which I allow to be true, but infift that it is nothing to the purpofe; for how was he lefs entitled to claim this eftate? It was not in right of his father Æfchines, but of his mother, that he fucceeded to half the fortune of Apollodorus, the fon of Eupolis; and by the fame right he would have made a juft claim to the prefent fucceffion, as he was preferred to any female claimant, had he not been convinced, that my adoption was legal and regular; but Thrafybulus is not fo daring: now a title to a maternal eftate is not loft by emancipation, but every man continues to have

have the ſame mother, whether he remain in his father's houſe or be emancipated; ſo that he was not deprived of his ſucceſſion to his maternal uncle Apollodorus, but received an equal portion with the ſurviving daughter of Eupolis, as the witneſſes, whom I ſhall now call, will prove. EVIDENCE.

It is apparent then, that not only the men of the ſame family and ward bore teſtimony to my adoption, but that Thraſybulus himſelf has in fact acknowledged, by not claiming the fortune, that he believed the act of Apollodorus to be conformable to law, and conſequently valid; for, if that had not been his opinion, he would never have waived his right to ſo large an inheritance: of this tranſaction I can produce other witneſſes; for, before my return from the Pythian games, Apollodorus apprized his fellow-burgeſſes, that he had appointed me his heir, and had enrolled me among the members of his ward; informing them at the ſame time, that he had committed his eſtate to my care, and requeſting them, if any accident ſhould befal him, to enter me in the publick regiſter by the name of Thraſyllus the ſon of Apollodorus, and by no other name. When they heard this declaration (though the friends of Pronapis complained in their aſſembly, and diſputed the validity of my adoption, yet) the burgeſſes, from their own knowledge of the fact, took the accuſtomed oath, and inſerted my name in their regiſter, as Apollodorus had enjoined them, being fully perſuaded that my adoption was perfectly legal: call the witneſſes to theſe facts. WITNESSES. So clear, judges, is the evidence of my adoption, an inveterate enmity having ſubſiſted between the deceaſed and the family of Eupolis, and the ſtricteſt friendſhip having been maintained between him and us, to whom alſo he was nearly related: but, had he neither deteſted them nor loved our family, he would never, as I hope eaſily to convince you, have left his poſſeſſions to my antagoniſts; for all they, who think their end approaching, look forward with a prudent care that their houſes may not

become

become desolate, but that there may be some person to attend their funeral rites, and to perform the legal ceremonies at their tombs; if, therefore, they have no children, yet they leave heirs by appointment; nor is this merely the custom of private men, but it is ordained by the publick and common laws, which command the Archon to provide that families be not extinguished: now Apollodorus was perfectly sensible, that, if he were to leave his estate to these men, he should occasion the desertion of his house. Why so? Because he had seen these two sisters inherit the possessions of Apollodorus their brother, without appointing a successor to him, although they had sons of their own, whom they might have appointed; he had seen their husbands sell the lands and all the effects which they had inherited, to the amount of five talents, which money they divided among themselves, and he had observed the shameful and deplorable desolation of the family. Since then he saw that the memory of a brother was so little revered, how could he have expected, even had friendship subsisted between them, to be treated with due veneration, when he was a cousin only, and not a brother? He could not hope it. Now that they appointed no heir to support the family of that Apollodorus, yet are in possession of his fortune, and have wasted an estate, which was known to supply the expense of equipping gallies, the witnesses, who shall next be called, will give ample proof.

EVIDENCE.

If such therefore were their dispositions, and so violent was their enmity to Apollodorus, by whom I was adopted, how could he have acted more wisely than as he did act? Should he have taken a child from any of his friends, and left his property to him? Yet it would have been uncertain even to the parents of that child, by reason of his tender age, whether he would be a virtuous or a worthless man; but of my good qualities he had received a sufficient specimen; for he well knew, how affectionately I had behaved to my father and mother, how attentively

attentively to my friends, how prudently I managed my own affairs, how far removed I had been in my magiſtracy from injuſtice or corruption: of all this he was fully convinced, when he committed his poſſeſſions to my care; nor was I a ſtranger to him, but his ſiſter's ſon, nor were the benefits inconſiderable, which we had conferred on him; nor was I lowminded and unambitious enough to aliene his property, as my opponents have aliened the fortune of their brother, but was willing and eager, after his example, to furniſh and command your ſhips, to lead your armies, to conduct your entertainments, to perform whatever you ſhould order. If then I was his kinſman, his friend, and his benefactor, both of an exalted mind and of approved virtue, who can doubt that his adoption of me was the act of a prudent and a grateful man? Even in this very year I have performed one of thoſe duties, which Apollodorus himſelf would have applauded: I preſided over the exerciſes in the Promethean games with liberality and magnificence, as the whole tribe know, and as many of them will now teſtify. WITNESSES.

Theſe, judges, are the lawful and reaſonable grounds of our preſent claim: we therefore entreat you to aſſiſt us in ſupporting it, for the ſake both of Apollodorus and of his father, whom you will find, if you reflect upon their conduct, to have been no uſeleſs citizens, but inſpired with all poſſible zeal to promote your intereſt; for his father Thraſyllus not only filled every other expenſive office, but continued, as long as he lived, to command a galley, which was not built by contribution, as many veſſels are now made, but at his own expenſe; nor was he ſecond only in the command, but ſtood alone; nor did he intermit his duty for two years, as he might have done, but performed it conſtantly; and not with negligence or in haſte, but with the moſt ſplendid preparations; for which noble conduct you approved and honoured him, and, remembering his laudable actions, would not ſuffer his ſon to be ſtripped of his property, but compelled his falſe guardian to reſtore it. Nor was Apol-

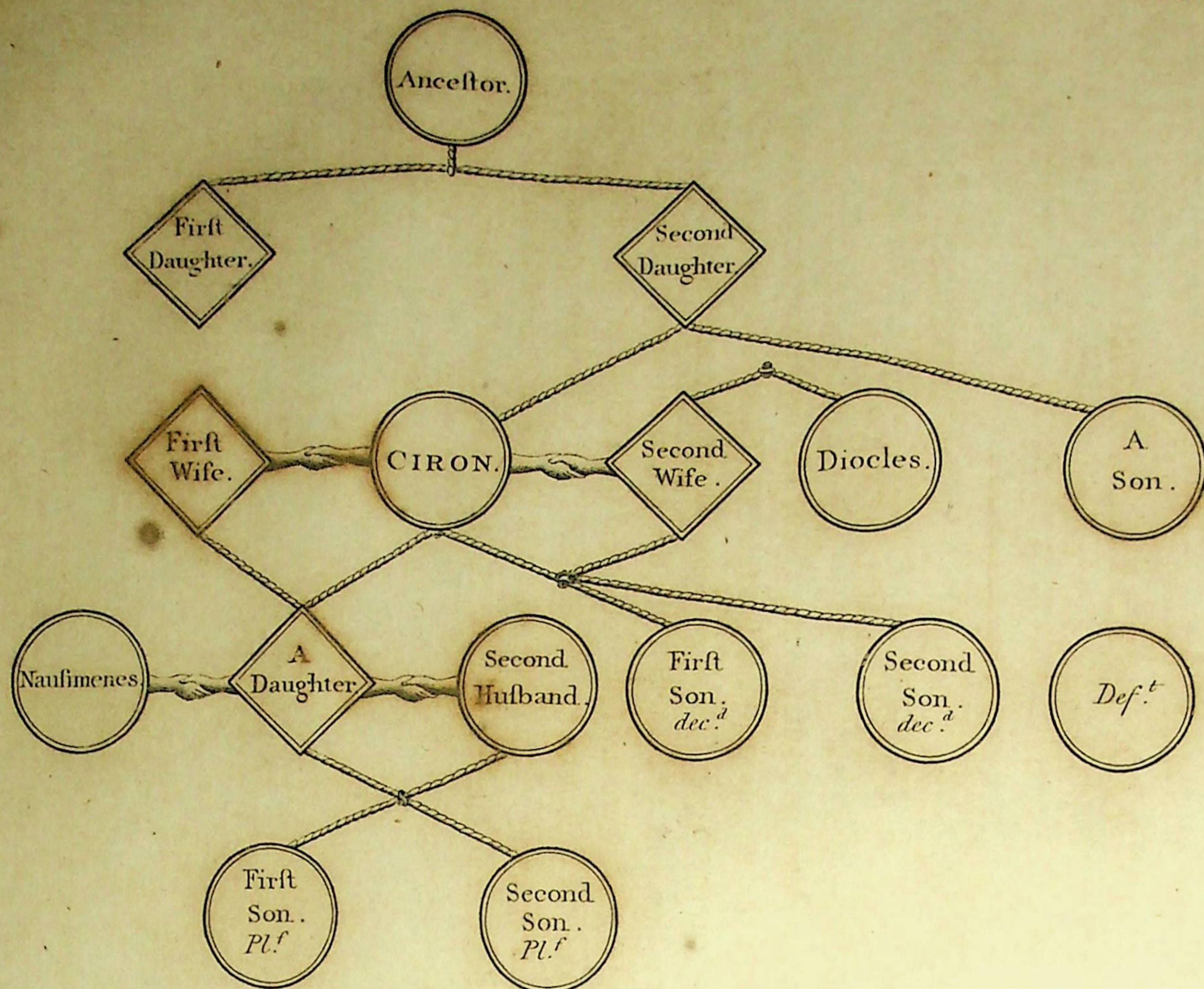
lodorus

lodorus himſelf like this Pronapis, who, to defraud the publick, pretended that his fortune was ſmall, but taking his rank among thoſe of the equeſtrian order, he ſuſtained the charges of the higheſt magiſtracies; not endeavouring by violence to take the property of others, and contriving that you ſhould reap no advantage from it, but openly declaring the full amount of his eſtate, and bearing with alacrity whatever burden you impoſed: thus he ſtrove to live with elegance on his own income, without injuring any man; thinking it incumbent on him to be moderate in his private expenſes, that he might be able to dedicate the remainder of his fortune to the ſervice of the publick. With this overplus what office did he not completely fill? What ſum was he not the firſt to contribute? In what part of his duty was he deficient? He obtained the prize in the youthful games, which he conducted; and yonder tripod remains a monument of his liberality on that occaſion. What are the duties of a virtuous citizen? To preſerve his own fortune; not, like diſſolute and abandoned men, to attack the property of others; and, if the ſtate has need of ſupplies, to contribute among the firſt, without concealing any part of his poſſeſſions. Such then was Apollodorus; and you will make but a juſt return for his ardour in ſerving you, if you eſtabliſh his adoption of me according to his clear intent: nor will you find even me, as far as my youth has qualified me for your ſervice, either a bad or an idle citizen; for I have borne arms in all your expeditions, and continue to obey the commands of my country, as men of my age ſhould obey them. For the ſake, therefore, of Apollodorus and his father, as well as of me and my family, conſider our cauſe with attention; eſpecially as our adverſaries have never furniſhed a ſingle galley, but have diſſipated and reduced to nothing an eſtate of five talents: whereas we have already filled your moſt chargeable offices, and will again fill them with eagerneſs, if you effectuate the intention of my uncle, and give me the eſtate, which he appointed me to inherit. That I may not ſeem tedious in expatiating longer on

thefe facts, I will defcend, as foon as I have fuccinctly recapitulated to you the feveral points, on which we reft our refpective claims.

As my own mother was the fifter of Apollodorus, as an intimate friendfhip fubfifted between us, never interrupted by any difagreement, I, whom he adopted as his fon, when he was living and in his perfect fenfes, I, who was enrolled among thofe of the fame family and ward with himfelf, demand the eftate which he gave me, and defire that thefe men may not have it in their power to extinguifh fo illuftrious a family: but what are the pretenfions of Pronapis? He firft took a moiety of the fortune, which had been left by his wife's brother, and now he claims this inheritance, though others are more nearly related to the deceafed than his wife can pretend to be: yet he has neither appointed a fon to fupply the place of his brother, but has fuffered his family to become extinct, nor would he have acted otherwife with regard to my uncle; and he makes this claim, though Apollodorus had fo great an averfion to him, and a reconciliation never afterwards took place between them. This, judges, you will confider; and will alfo recollect, that I am the nephew of the deceafed, and that the wife of Pronapis is only his coufin: that fhe has inherited two eftates, whilft I fucceed to this alone as a fon by adoption; that fhe laftly was not well inclined to him, whofe property we claim, but that I and my father were his real benefactors. Thus reflecting and reafoning with yourfelves, give a fentence agreeable to juftice: it would be fuperfluous to add more; for I am perfuaded, that no part of my argument has efcaped your attention.

SPEECH


Anceſtor.
First Daughter.
Second Daughter.
First Wife.
CIRON.
Second Wife.
Diocles.
A Son.
Nauſimenes.
A Daughter.
Second Huſband.
First Son. dec.d
Second Son. dec.d
Def.t
First Son. Pl.f
Second Son. Pl.f

SPEECH THE SEVENTH.

ON THE ESTATE OF CIRON.

THE ARGUMENT.

CIRON being dead without leaving a ſon, his nephew entered upon his eſtate; and the clients of Iſæus brought an action to recover it, inſiſting that they had the better title as grandſons of the deceaſed by his legitimate daughter: there are two queſtions in the cauſe, an iſſue of fact, whether the complainants were lawfully deſcended from Ciron or not; and an iſſue in law, whether a daughter's or a brother's ſon has more right to the property of an inteſtate. The writer of the Greek argument to this ſpeech appears to have miſtaken the law of Athens, which will be more fully explained in the commentary.

SPEECH THE SEVENTH.

The Grandſons of Ciron againſt his Nephew.

IT is impoſſible, judges, to ſuppreſs our juſt indignation, when men are not only bold enough to claim the property of others, but even hope by their ſophiſms to refine away the ſound rules of law, as our adverſaries are now attempting to do; for, although my grandfather Ciron died not childleſs, but left me and my brother, the ſons of his legitimate daughter, yet theſe men have both claimed his eſtate, as his next of kin, and inſult us with aſſerting that we are not his grandſons, and that he never had a daughter in his life: to this audacity have they been incited by their ſordid love of gain, and allured by the value of Ciron's eſtate, which they violently ſeized, and now unjuſtly poſſeſs; being abſurd enough to alledge that he died in indigence, yet contending at the ſame time that they have a right to his fortune. Now I conſider myſelf as contending in this cauſe, not with the nominal party to the ſuit, but with Diocles of Phlya, whoſe mad violence has procured him the name of Oreſtes; for it was he, who firſt inſtigated my opponent to give us this trouble, with an intent to deprive us of our ſucceſſion to the property of our grandfather, and has thus expoſed us to danger, that he may not be compelled to reſtore the goods which he has embezzled, if he can perſuade you by his falſe allegations to pronounce your decree in his favour. Theſe being their machinations, it is neceſſary for you to be informed of the whole tranſaction, that, when you are fully apprized of every circumſtance, you may decide the cauſe from your perfect knowledge of it; and, if you have ever attended to any other cauſe, hear this, I intreat you, with attention: juſtice indeed requires it; for in the many ſuits with which Athens abounds, no man will be found to have invaded the poſſeſſions of another with more impudence and a greater contempt

contempt of decency than theſe confederates. It is no eaſy taſk, judges, for one, wholly void of experience in courts, to enter into a conteſt of ſo great importance againſt the premeditated quibbles of ſubtle ſpeakers, and againſt witneſſes prepared to violate the truth; yet I am not without hopes of being reſtored to my right by your ſentence, and of ſpeaking ſo far at leaſt with tolerable propriety as to ſupport my juſt demand, unleſs ſome ſuch misfortune ſhould befall me as I cannot even now help fearing: I ſupplicate you therefore, judges, to hear me with candour, and, if you think me injured, to redreſs the injury which I have ſuſtained.

Firſt, then, I will convince you, that my mother was the legitimate daughter of Ciron, and will prove by hearſay evidence what happened a long time ago, and by living witneſſes what it is ſtill poſſible for them to remember: to this I will add a number of circumſtances, which are often more deciſive than the teſtimony of fallible men; and when I have evinced the truth of this point beyond a doubt, I will demonſtrate, that we have a juſter claim than our adverſaries to the eſtate of the deceaſed. I will begin my narrative from that part of the caſe, whence they alſo began their argument.

My grandfather Ciron, judges, married his firſt couſin, the daughter of his mother's ſiſter, who bore my mother, and died three years after marriage. Ciron, having this only daughter, took for his ſecond wife the ſiſter of Diocles, by whom he had two ſons: with her and her children my mother was educated, and, when ſhe attained a proper age, was given by her father in marriage to Nauſimenes of Cholargia, with a fortune of twenty-five minas, together with clothes and ornaments of gold. Three or four years after this, Nauſimenes died of a violent diſorder, leaving no children by my mother, whom Ciron received again into his family (but without her entire portion, as her huſband had been

in

in diſtreſs) and gave her to my father with a fortune of a thouſand drachmas. That all theſe tranſactions really paſſed, as I relate them, and fully diſprove the falſe pretences on which our adverſaries now inſiſt, I diſcovered a method of evincing with the utmoſt clearneſs; for, whether my mother was, or was not, the daughter of Ciron, whether ſhe made part of his family or not, whether he ſolemnized her two nuptials, and what fortune he gave with her to each of her huſbands, all this muſt neceſſarily be known to his ſervants of both ſexes: deſiring therefore in addition to the evidence, which I ſhall adduce, to confirm theſe facts by an extorted confeſſion, that you might give the greater credit to ſuch witneſſes as had previouſly exhibited a proof of their veracity, I propoſed to my antagoniſts, that the male and female ſlaves ſhould be queſtioned on the rack concerning their knowledge of theſe occurrences; but this very Diocles, who will preſently intreat you to believe his witneſſes, declined ſo eaſy a mode of diſcovering the truth. If then his refuſal to accept my offer, which muſt be imputed to his fear of ſo deciſive an inveſtigation, be clearly proved, what remains to be thought of his witneſſes? Nothing, in my opinion, but that they are foreſworn: in proof of this fact, read firſt the depoſition, which I have brought. DEPOSITION.

Now you are all, I believe, perſuaded, that an inquiſition by torture, both in publick and private cauſes, is the beſt and ſureſt mode of inveſtigating truth; nor, when both free men and ſlaves are preſent, and it is expedient to obtain a diſcovery of facts, is it your cuſtom to examine the free men, but to rack the ſlaves, and thus to extort a true relation of all that has happened: in this reſpect you think and act wiſely, judges; for you well know, that many perſons examined in the uſual form have given evidence indubitably falſe; but of all thoſe, who have been expoſed to torture, none have ever been convicted of falſhood: and will this moſt audacious of men requeſt you to believe his artful

artful pretences, and his witneſſes, who ſwear againſt truth, when he declines a mode of proof ſo exact and concluſive? Our conduct is widely different; and, as we firſt propoſed to diſcover the whole tranſaction by the means of torture, to which propoſal we have proved that they would not conſent, we think it reaſonable, that our witneſſes ſhould be credited. Read next theſe depoſitions, which prove my mother's legitimacy. DEPOSITIONS.

Whom can we ſuppoſe acquainted with what happened ſo long ago? Thoſe, no doubt, who were intimate with my grandfather: their teſtimony then has been repeated by many who heard them aſſert the truth of it. Who muſt unavoidably know, that my mother was given in marriage? Thoſe, who betrothed her, and thoſe who were preſent at the time of the affiance: to this point, therefore, we have adduced the evidence of perſons, who were connected both with my father and with Nauſimenes. Who muſt be conſcious that ſhe was bred in the houſe of Ciron, and that ſhe was his legitimate daughter? My adverſaries themſelves have ſhown this to be true, by declining the diſcovery propoſed; ſo that you cannot juſtly diſbelieve our witneſſes, but have great reaſon to ſuſpect the credibility of theirs.

To theſe arguments may be added many circumſtances, which prove that our mother was the daughter of Ciron; for, as it became a man to treat the ſons of his own daughter, he never made a ſacrifice without us; but, whether he ſolemnized the greater feſtivals or the leſs, we were always preſent and always partook of them; nor were we invited to theſe only, but he conſtantly carried us into the country to the Dionyſian feaſts: with him we ſate to view the games, and at his houſe we paſſed every holiday. Beſides, he moſt aſſiduouſly paid his adorations to Jupiter the Enricher, into whoſe temple he admitted no ſlave whatever, nor any freemen who were not of his family, but conducted the whole ceremony

ceremony himſelf; yet even of this celebrity were we partakers, performing the holy rites together with him, and aſſiſting him in the operations of the ſacrifice: he then prayed the deity (as a grandfather would naturally pray) to grant us good health and ample gains; nor, had he not believed us to be his daughter's children, and the only lineal deſcendants, whom he was to leave behind him, would he have ſhown us this parental affection, but would have taken for his companion the man, who now pretends to be his nephew? The truth of all this muſt be accurately known by my grandfather's ſlaves, whom this man will not ſuffer to be interrogated on the rack; but the ſame facts were notorious alſo to ſome of his intimate friends, whoſe evidence ſhall now be produced: take their depoſitions, and read them to the court. DEPOSITIONS.

Nor from theſe tranſactions alone is it manifeſt, that our mother was the legitimate daughter of Ciron, but alſo from the conduct of our own father, and from the manner in which ſhe herſelf was treated by the women of the ſame borough; for, when my father married her, he gave an entertainment, to which he invited three of his acquaintance, beſides his particular friends, and preſented thoſe of his ward with the nuptial victim, according to their inſtitutions: after this the wives of his fellow-burgeſſes elected her, together with the wife of Diocles the Pithian, to lead the proceſſion and perform divine rites at the temple of Ceres; and my father, when we were born, introduced us to his ward, having previouſly ſworn, as the law requires, that we were his ſons by a citizen of Athens, whom he had legally eſpouſed; nor did a ſingle man of the ward, although many were preſent who ſcrupulouſly examine ſuch matters, ſay a ſyllable againſt our admiſſion, or entertain a doubt of his veracity. Now it cannot be imagined, that if our mother had been what theſe men falſely pretend, our father would have celebrated his connection with her by a nuptial feaſt and the uſual ſacrifice; he

he would rather have kept the whole affair ſecret; nor would the matrons of his ward have choſen her, with the wife of Diocles, to perform their ſacred rites and to preſide over the ſolemnity, but would have given that reſpectable charge to another; nor would the members of the ward have received us, but would have objected to our admiſſion, and juſtified their objection, had it not been allowed on all ſides, that our mother was Ciron's legitimate daughter: the truth, indeed, of this fact is now ſo apparent, and ſo many perſons have a perfect knowledge of it, that it is no where diſputed. Call up the witneſſes, who will prove what I have laſt aſſerted. EVIDENCE.

Yet further, judges; that we are the acknowledged grandſons of Ciron, the behaviour of Diocles himſelf, after my grandfather's death, will clearly demonſtrate; for I went, accompanied by one of my friends, a couſin of my father, to bring the body to my own houſe, from which I intended to begin the funeral proceſſion: Diocles was not within; but, when I entered, and was directing the aſſiſtants, whom I had brought, to remove the corſe, my grandfather's widow intreated me to begin the funeral from her houſe, offering to aſſiſt us in laying out and embalming the body: ſhe wept and ſupplicated, judges, till ſhe prevailed; and, meeting Diocles, I told him before witneſſes, that, as his ſiſter had requeſted me, the remains of Ciron ſhould be carried to the place of burial from the houſe in which he died: to this he made no objection, but ſaid that he had brought ſome things neceſſary for the funeral, and had given earneſt for them; he therefore exacted a promiſe from me to pay what they coſt, and deſired me to give him back the earneſt, engaging to bring me to thoſe who had received it of him: ſoon after indeed he affected to inſinuate, that Ciron died inſolvent, though I had not then ſpoken a word about his fortune. Now if he had not known me to be the grandſon of Ciron, he would never have made ſuch an agreement with me, but would rather have addreſſed me

thus.—What man are you? What concern have you with the burial? I know you not: come not within my doors. This he ſhould then have ſaid himſelf, which he has now ſuborned others to ſay: nothing however of the kind was even intimated by him, but he requeſted me to bring him the money on the next morning; and here, to prove the truth of this narrative, let the witneſſes be called. EVIDENCE.

Nor was he alone ſilent on this head; but even the preſent claimant of the eſtate advanced nothing in oppoſition to my right, till he was inſtigated by this fellow to diſpute it; for when I carried the money on the following day, Diocles refuſed to accept it, alledging that he had received it from my adverſary; yet I was not prevented from joining in the funeral rites, but aſſiſted at the whole ceremony; the expenſes of which were not borne by my opponent, but were defrayed out of the money which Ciron left: now it would have become him, if the deceaſed had not been really my grandfather, to have thruſt me out, to have expelled me, and to have hindered me from conducting the burial in conjunction with them. Our ſituations in this reſpect were by no means ſimilar; for I permitted him, as the nephew of my grandfather, to act in concert with me; but he ſhould not have ſuffered me to join with him, if that had been true, which they now have the impudence to alledge. To ſuch a degree, indeed, was Diocles confounded with the truth of my aſſertions, when in my funeral oration I accuſed him by name of an attempt to invade my property, and of inciting my antagoniſt to make this unjuſt claim, that he durſt not even mutter a ſyllable againſt me, much leſs inſinuate what he now ſo audaciouſly advances. Call thoſe alſo who will prove this fact. WITNESSES.

What now, in the name of the gods, can induce us to believe what we hear aſſerted? Is it not the teſtimony of witneſſes? I think it undeniable. How can their evidence be procured? Is it not by the fear of

torture?

torture? Moſt aſſuredly. Why then ſhould you give no credit to the allegations of my adverſaries? Is it, becauſe they declined ſo complete a proof? yes, beyond a doubt. How is it poſſible, therefore, to demonſtrate more clearly, that my mother was Ciron's legitimate daughter, than by producing hearſay evidence of what happened many years ago, and by giving you the poſitive teſtimony of living witneſſes, who know that ſhe was educated in his houſe, was conſidered as his child, was twice betrothed by him, and twice given in marriage; and by ſhowing moreover, that they refuſe to examine the ſlaves who had a perfect knowledge of all theſe tranſactions? The whole of this I have given in evidence; and a more convincing proof, by all the deities of heaven, cannot be produced; but what has already been advanced ſeems fully ſufficient to evince the juſtice of my demand.

I now proceed to give you entire conviction, that I have by law a greater right than my antagoniſt to the eſtate of Ciron; and it is apparent, I believe, to all of you, that thoſe who are deſcended only from the ſame ſtock with the deceaſed are not more nearly related to him than thoſe who are deſcended from himſelf: how, indeed, ſhould it be ſo, when the firſt are his collateral kinſmen, and the others his lineal deſcendants? Since however they are daring enough to argue againſt the manifeſt reaſon of the thing, I will prove my point more diffuſely by arguments drawn from the laws themſelves: firſt, if my mother, the daughter of Ciron, were ſtill living, if her father had died inteſtate, and if this man had been his brother inſtead of his nephew, he would have a power, indeed, to marry his daughter; but no man would have a right to his eſtate, except her children, to whom the law would give it at the age of ſixteen years; if, then, were ſhe alive, he would not have been entitled to her fortune, but her ſons would have been the lawful heirs, it is evident, that, as ſhe died leaving children, they only, not theſe confederates,

federates, ſhould ſucceed to her poſſeſſions. Nor does this law only confirm my title; but that concerning diſtreſſed parents eſtabliſhes the point, for which I contend: had my grandfather been alive and in want of neceſſaries, the guilt of ſuffering him to continue in diſtreſs would have been imputed, not to our adverſary, but to us; for the law enjoins us to ſupport our parents, by whom are meant our fathers and mothers, grandfathers and grandmothers, and their fathers and mothers, if they are living; ſince, as they are the root and ſtock of the family, and as their deſcendants regularly ſucceed to their property, it is juſt and natural to maintain them, how little ſoever they have to leave. Can it then be thought reaſonable, that, even if they had had nothing, we ſhould have been liable to a proſecution for not ſupporting them, yet, if they leave a fortune, that theſe men, not we, ſhould ſucceed to it? By no means.

I will begin, then, with the neareſt of a man's collateral relations, and will call for your ſentiments on the compariſon between them and his lineal deſcendants; for this method will eaſily convince you. Who was more nearly related to Ciron, his daughter or his brother? No doubt, his daughter; for ſhe deſcended immediately from him, but he only derived his deſcent from the ſame anceſtor. Is the brother to be preferred in the order of ſucceſſion, or the daughter's ſons? Her ſons indiſputably; for theirs is a direct deſcent, not a collateral relationſhip: ſince then we are ſo far nearer than a brother, we muſt have conſiderably a better claim than this man, who is only a nephew. But I fear, leſt, by dwelling too long on a point which cannot fairly be diſputed, I ſhould tire your patience; for all of you inherit the poſſeſſions of your fathers, grandfathers, and anceſtors of a higher degree, by the uncontrovertible title of a lineal deſcent: the caſe is ſo clear, that I cannot believe there ever before was ſuch a conteſt. I ſhall therefore conclude this

this part of my argument with reading the law concerning the diſtreſſes of parents; and ſhall then explain to you the motives which induced my opponents to haraſs me with this cauſe. THE LAW.

The property of Ciron, judges, conſiſted of a farm in Phlya well worth a talent, and two houſes in the city, one of which, near the temple of Bacchus in the Marſhes, was occupied by a tenant, and might be ſold for twenty minas; the other, which he inhabited, was worth thirteen: he had, beſides, ſome ſlaves who worked for his advantage, two female ſervants and a girl, together with utenſils and houſehold furniture, which, with the ſlaves, were worth as much as the houſe. His whole real eſtate may be valued at rather more than a talent and a half; and he had no inconſiderable ſum of money out at intereſt, from which he received a good annual income. Diocles and his ſiſter had long projected to poſſeſs themſelves of this fortune; and, as ſoon as the two ſons of Ciron were dead, he did not remove her from the old man (though ſhe might then have borne children by another huſband), fearing leſt, if they were ſeparated, he ſhould diſpoſe, as he ought to have done, of his poſſeſſions; but perſuaded her to continue with him, to pretend that ſhe was enſeint, and afterwards to alledge that ſhe had miſcarried; for he knew, that, if Ciron could entertain hopes of having other children, he would not adopt either of us. As to my father, Diocles perpetually calumniated him, aſſerting that he had conſpired to ſeize the property of Ciron: his next ſtep was to defraud my grandfather of all his money, while he pretended to execute the office of receiving his intereſt, and managing his landed property. Thus did he inveigle the old man by adulation and ſervility, till he had all his effects within his graſp; yet, well knowing that after Ciron's death I ſhould have a juſt claim to his fortune, he did not prevent me from attending and converſing with him: he feared, I imagine, the conſequences of my reſentment at that time; but he has

now

now ſuborned a man to controvert my right to the ſucceſſion, and, if he ſhould be victorious, would allow him a ſmall ſhare of the plunder, while he means to ſecure the whole inheritance for himſelf; yet, even to this very man, he did not at firſt acknowledge that Ciron left any eſtate, but aſſerted that he died in abſolute indigence. As ſoon as my grandfather was dead, this Diocles made preparations for the funeral; the expenſe of which, as you have heard from the witneſſes, he required me to defray; yet he afterwards refuſed to accept the money from me, on pretence that he had before received it from my opponent; thus artfully intending to let it appear, that he himſelf, not I, was preparing to bury the deceaſed: when, therefore, he raiſed this controverſy, both concerning Ciron's houſe and his other poſſeſſions, yet ſtupidly inſiſted, in the ſame moment, that he had left nothing at all, I thought it an improper time (and the opinion of my friends coincided with mine) to remove the body by force; but I aſſiſted them, and attended the burial, the charges of which were ſupplied out of Ciron's eſtate. In this manner was I compelled to act; but, leſt it ſhould give them an advantage over me, if they could ſay with truth that I bore no part of the expenſe, I contributed my ſhare, by the advice of a lawyer whom I conſulted; and I performed ſacred rites in the handſomeſt manner on the ninth day after the funeral, both that they might be prevented from the impiety of performing them, and might not ſeem to have expended the whole ſum without my participation.

Theſe, judges, are the tranſactions which relate to my cauſe, and theſe are the reaſons which induced my enemies to attack me; but, were you perfectly acquainted with the ſhameleſs impudence of Diocles, you would not heſitate a moment in giving full credit to my whole narrative; for this wretch actually robbed his three half-ſiſters, who were left heireſſes to their father, of the fine eſtate which makes him now ſo ſplendid,

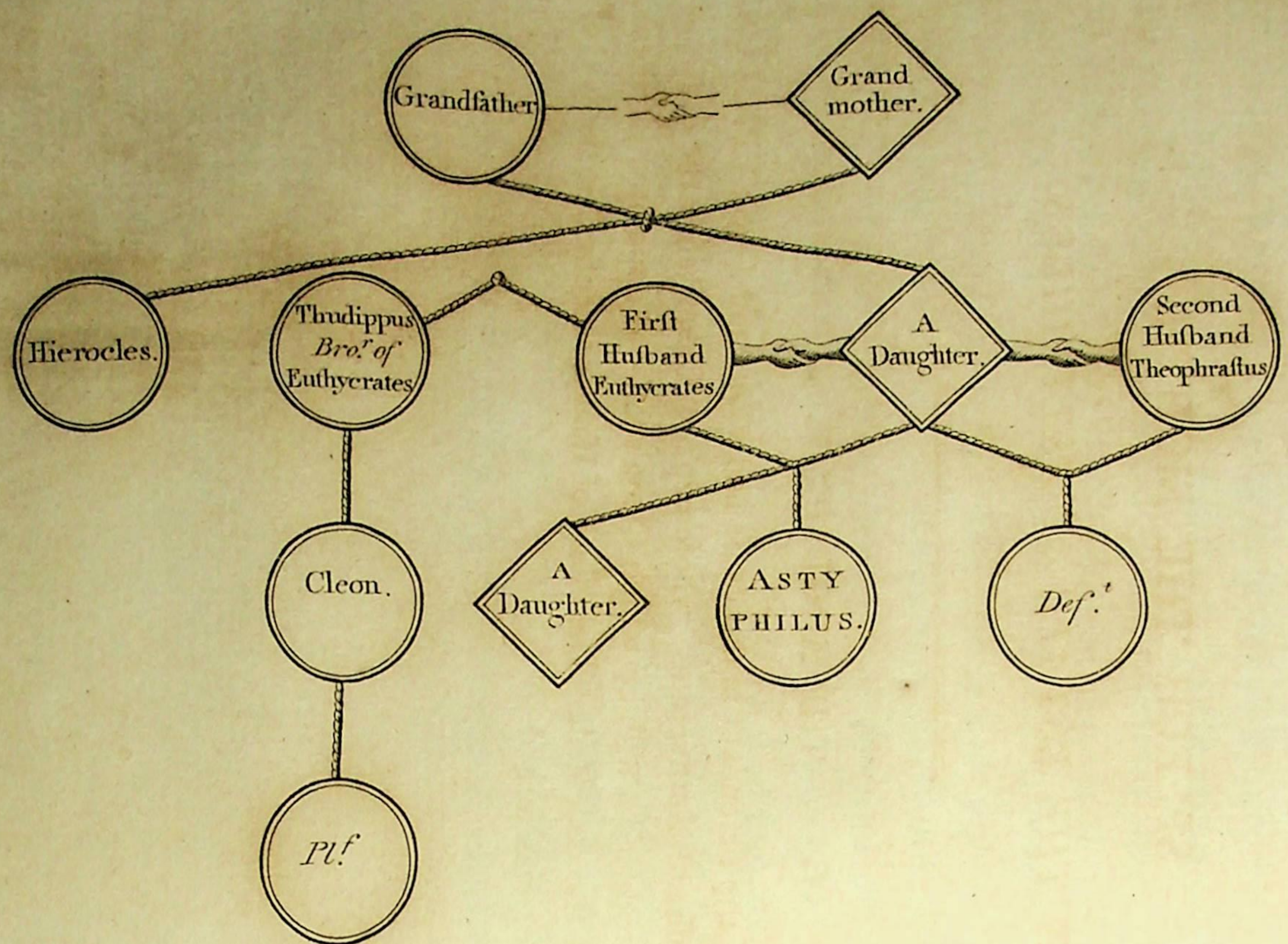
ſplendid, by pretending that he was the adopted ſon of their father, who, in reality, made no will, on purpoſe to exclude him: and when thoſe who had married two of his ſiſters commenced a ſuit againſt him for their fortunes, he ſo malignantly entangled the huſband of the eldeſt in the ſnares of perverted law, that he cauſed him unjuſtly to be marked with infamy; for which, though an action has been brought againſt him, he has not yet ſuffered the puniſhment he deſerves; and, having hired a ſlave to aſſaſſinate the huſband of the ſecond ſiſter, he privately ſent the aſſaſſin out of Attica, and accuſed the wife of the murder: then, intimidating her with his audaciouſneſs, and compelling her to be ſilent, he obtained the guardianſhip of her ſon by the deceaſed, and ſtripped him of his property, keeping all the cultivated land in his own poſſeſſion, and giving his ward by way of compenſation a few ſtony fields. There are perſons now preſent, who know this to be true: they are afraid, indeed, of Diocles; but, perhaps they will be ready to give their evidence; if not, I will produce others, who have an equal knowledge of the facts. Firſt, however, call up thoſe who are preſent. WITNESSES.

This man then, ſo profligate and ſo rapacious, who plundered the inheritance of his ſiſters, is not contented with that plunder; but, becauſe a juſt puniſhment has not yet overtaken him, he comes to deprive me alſo of my grandfather's eſtate, and having, as we are credibly informed, promiſed to give my adverſary two minas out of the ſpoils, has expoſed us to the danger of loſing not our fortune only, but our country; ſince, if he can deceive you into a belief, that our mother was not a citizen of Athens, neither are we citizens; for we were born after the archonſhip of Euclid. Is this litigation then, which his lies have ſet on foot againſt me, of trifling conſequence? When my grandfather and father were alive, no charge whatever was brought againſt us, and our right was always conſidered as indiſputable; but ſince their death, it will be ſome reproach to us, even if we are ſucceſsful, that our title was

was ever diſputed; a reproach, for which we may thank this execrable monſter, this frantick Oreſtes, who, having been caught in adultery, and ſuffered the chaſtiſement which he deſerved, cannot even now deſiſt from his crimes, as many, who well know his guilt, can teſtify.

The diſpoſition and character of this fellow you have now partly heard, and ſhall hear it more at large when I have brought him to a trial in a proſecution, which I meditate: in the mean time, I ſupplicate and adjure you, permit him not to triumph over me, by ſtripping me of the fortune which my grandfather left; but, as far as each of you is able, give me aſſiſtance. Sufficient evidence has been laid before you; we have read our depoſitions, have opened to you what their ſlaves would infallibly have confeſſed, and have produced the laws themſelves; by all which we have proved, that we are the ſons of Ciron's legitimate daughter, and conſequently that his eſtate comes not to them, but to us, as his lineal deſcendants: calling therefore to your remembrance the oaths, by which you are bound to decide impartially, and the laws, which have been adduced, pronounce your ſentence agreeably to juſtice. I ſee no occaſion for a longer argument, as I believe you perfectly comprehend the whole caſe: let the officer, however, read this remaining depoſition, that Diocles was taken in adultery. DEPOSITION.

SPEECH


Grandfather
Grand mother.
Hierocles.
Thudippus Bro.r of Euthycrates
First Husband Euthycrates
A Daughter.
Second Husband Theophrastus
Cleon.
A Daughter.
ASTY PHILUS.
Def.t
Pl.f

SPEECH THE EIGHTH.

ON THE ESTATE OF ASTYPHILUS.

THE ARGUMENT.

THE mother of the defendant in this cauſe had a ſon named ASTYPHILUS, by her firſt huſband Euthycrates, whoſe nephew Cleon, after the death of Aſtyphilus, produced a will, by which Cleon's ſon was appointed to inherit the fortune of the deceaſed. The client of Iſæus contends that the will of his half-brother was forged.

SPEECH THE EIGHTH.

The Son of Theophrastus against Cleon.

ASTYPHILUS, for whose estate we contend in this cause, and who was my half-brother, judges, by the same mother, died at Mitylene, whither he had sailed with the army; and that he never adopted a son, nor ever aliened his estate, or disposed of it by will, so that no man but myself has a right to his possessions, I shall endeavour to prove, agreeably to the oath which I have previously taken. This Cleon, my antagonist, was the first cousin to the deceased by his father's side, and it is his own son, whom he pretends that Astyphilus adopted: now Cleon's father was transferred by emancipation into another house, in which the whole crew of confederates are still resident, so that by law they bear no relation at all to the last possessor of this estate; but, as there could be no question on this head, they have produced a will, which I shall demonstrate, I think, to be forged, and are now striving, judges, to rob me of my brother's fortune. So confident, indeed, was Cleon (nor has his confidence, it seems, forsaken him) of his exclusive title to the estate in dispute, that no sooner was Astyphilus reported to be slain, while my father was confined by illness, and I was bearing arms abroad, than he rushed upon the land and claimed all my brother's effects in right of his son, not waiting, as he ought, for your determination in his favour; yet, when the remains of their cousin were brought to Athens, this fictitious son of his neither laid out the body nor buried it; but some of his friends and fellow-soldiers, considering the malady of my father, and my absence from the city, performed the last honours to the dead by assisting at his funeral rites, and led my sick father to the tomb, well knowing that his piety would be acceptable to the departed spirit; all which facts will be attested by the friends themselves who were present at these ceremonies.

ceremonies. WITNESSES. That Aſtyphilus was not interred by my opponent, has been given in evidence; nor will he himſelf deny it.

On my return then from the war, when I found that theſe aſſociates were enjoying the fruits of my eſtate, and heard Cleon aſſert that the will, by which my brother adopted his ſon, had been left with Hierocles of Hephæſtia, I went to Hierocles; not ignorant of his cloſe connection with Cleon, but believing that he would hardly dare to ſpeak falſely concerning the deceaſed, eſpecially as he was our uncle: yet, when I interrogated him on the ſubject, he anſwered (regardleſs of theſe conſiderations), that the will, which he had received from Aſtyphilus, was then in his poſſeſſion; and here, to prove that he made this anſwer, let a depoſition be read. DEPOSITION. Since, therefore, judges, none of my brother's friends were preſent at his death, and ſince his body was brought hither in my abſence, it is neceſſary for me to convince you, by arguments drawn from their own aſſertions, that the will which they produce was fabricated by them, and that no will at all was made by Aſtyphilus; for it is reaſonable to ſuppoſe, that, if he had intended to leave an heir by adoption, he would have provided effectually for the ſecurity of his appointment, and taken care that his adopted ſon ſhould not only poſſeſs his eſtate, but have acceſs to the ſhrines of his anceſtors, and perform the accuſtomed rites both to their ſhades, and to his own: he muſt have been ſenſible too, that his intentions would take effect, not if he left a will unatteſted by his friends, but if he firſt convoked his relations; next, thoſe of the ſame borough and ward; and laſtly, as many of his intimate acquaintance as he could aſſemble, to attend the execution of ſo important an inſtrument; for ſuch precaution would have made it eaſy to refute any perſon whatever, who might falſely claim the eſtate as legatee or as next of kin; but nothing of this ſort appears to have been done by Aſtyphilus, who called together none of his friends to atteſt this pretended will, as I ſhall prove by the teſtimony of thoſe friends

friends themſelves, unleſs any one of them has been ſuborned by Cleon, to declare that he was ſummoned. EVIDENCE.

Now Cleon will probably contend, that the evidence, juſt given by theſe witneſſes of their entire ignorance that Aſtyphilus ever made a will, is not concluſive; but, in my apprehenſion, when the controverſy turns upon the exiſtence of a teſtament and the adoption of a ſon, the declarations of intimate friends, that they were not preſent at a tranſaction of ſo much conſequence, ought to have far more weight than the allegations of mere ſtrangers that they were preſent; nor would Cleon himſelf, who was never remarked for ſimplicity, have neglected to convene any relations of Aſtyphilus, who were in the city, or any other perſons whom he knew to be at all connected with him, that they might atteſt a will, by which his own ſon was appointed heir to an eſtate; for no man could have prevented the teſtator from diſpoſing as he pleaſed of his own property, and ſuch conduct would have removed the ſuſpicion naturally ariſing from a will made in ſecret. Had it been the deſign of Aſtyphilus, judges, to conceal from all men, that he had appointed the ſon of Cleon as his heir, or that he had left any teſtament whatever, it muſt be ſuppoſed, that no witneſs at all would have ſubſcribed his name; but, ſince they ſhow you the names of witneſſes, and thoſe not of his acquaintance, but of any ſtrangers whom he might happen to meet, it is not poſſible to conceive that the will can be genuine; for I cannot perſuade myſelf that a man, who was going to nominate an heir, would ſummon any witneſſes, but ſuch as were to be partakers for the future of the ſame rights and the ſame communion with the perſon to be nominated: the deceaſed, however, could have no inducement to keep this tranſaction ſecret; for, as the law permits every one to diſpoſe of his property according to his inclination, no man needs be aſhamed to have ſuch an inſtrument atteſted by any number of witneſſes.

Now

Now conſider, judges, the time when Aſtyphilus made, as they aſſert, a teſtamentary diſpoſition of his fortune; for they alledge, that he made it when he was at the point of ſailing with the forces to Mitylene: by this account he muſt have had a ſingular foreknowledge of events; for he firſt ſerved at Corinth, next in Theſſaly, and during the whole Theban war; nor did he fail, wherever he heard that an army was raiſed, to offer his ſervice; yet not on one of theſe occaſions did he make a will, but deferred that ceremony till his laſt expedition to Mitylene, in which he periſhed. Can it ſeem credible then to any one among you, that, when Aſtyphilus was formerly preparing for his other campaigns, and well knew the danger of them all, he left no directions whatever concerning his affairs, but that, when he was going to ſail as a volunteer, in which character he was leſs expoſed to peril, and muſt have entertained hopes of returning ſafe, he ſhould then only write his will, and ſhould loſe his life in the adventure? Can it be thought credible, that the contingency of events ſhould have correſponded ſo exactly with his conduct?

Without purſuing this argument farther, I will lay before you, judges, the ſtrongeſt evidence that the allegations of my adverſaries are falſe; for I will prove that Aſtyphilus bore the moſt violent enmity to Cleon; ſo violent, that, rather than adopt the ſon of the man, whom he moſt deteſted, he would have ordered in his will, that none of his relations ſhould have the leaſt communication with him; for Thudippus, Cleon's father, having quarrelled with Euthycrates, the father of Aſtyphilus, concerning the diviſion of his inheritance, ſo cruelly beat him, that he expired after languiſhing for a few days, and his death was indubitably occaſioned by the blows, which he had received: the truth of this can be proved by many of the Araphenians, who were at that time employed in cultivating the adjacent lands; but it is not in my power to call any of them, who will poſitively accuſe Thudippus of ſo atrocious a crime.

crime. As to Hierocles, who ſaw him ſtrike his brother, I know his unwillingneſs to give any evidence tending to defeat the will which he now produces, and which, as he alledges, was left in his cuſtody: let him be called, however, that he may either publickly confirm the truth of my aſſertion, or refuſe to be examined. WITNESS.

This, I was perfectly ſure, would be his anſwer; for it is conſiſtent with the conduct of a man, who wiſhes to perſuade you that he knows to be true what in fact never happened, to decline giving evidence of what he really knows to be true: but I will call another witneſs, who is married to the grandmother of Aſtyphilus, and who will ſwear that Euthycrates, juſt before he died, commanded his friends to prevent any of Thudippus's family from approaching his tomb. EVIDENCE.

When Aſtyphilus, therefore, heard this fact related in his childhood, both by theſe witneſſes and by his other kinſmen, he determined, as ſoon as his reaſon began to dawn, rather to periſh than hold any converſation with Cleon; thinking it impious to converſe with the ſon of that man, who was accuſed of having murdered his father: that his deteſtation of Cleon continued through his whole life, I will prove by the teſtimony of witneſſes, who know the truth of my aſſertion. WITNESSES.

Had it not been for this reaſon, it muſt be imagined, that whenever Aſtyphilus attended thoſe feaſts, which other Athenians uſually attend, he would have gone to them, accompanied by no man but Cleon, who bore ſo near a relation to him, who belonged to the ſame borough, and whoſe ſon, above all, he was going to adopt; but the depoſition of his fellow-burgeſſes, which the officer ſhall read, will prove that he never once appeared at the feaſts in company with Cleon. DEPOSITION.

With

With no better claim to the affection of Aſtyphilus, this man has the boldneſs to produce his own ſon as heir by appointment to the deceaſed; but why ſhould Cleon alone be cenſured? Even Hierocles, our uncle, is audacious enough to come with a will which was never executed, and to aſſert that my brother committed it to his care. This conduct, Hierocles, is a ſorry compenſation for the many marks of kindneſs which you received when your fortune was more narrow than at preſent, as well from Theophraſtus my father, as from Aſtyphilus himſelf; for you are attempting to exclude me, who am the ſon of your benefactor and of your own ſiſter, from that ſucceſſion which the law has allotted me, to injure by your falſe aſſertion the memory of the dead, and, as far as you can prevail, to give his eſtate to the man whom he abhorred. Before the inheritance, judges, was even formally claimed, this very Hierocles, who was conſcious that none but myſelf had a right to the eſtate of Aſtyphilus, applied ſucceſſively to all the acquaintance of the deceaſed, offered the whole fortune to ſale, and incited entire ſtrangers to ſet up a title, alledging that he was the uncle of Aſtyphilus, and promiſing, if any one would give him a due ſhare of the plunder, to produce a will of his nephew in favour of his confederate; yet now, when he has concluded his bargain with Cleon, and has contracted for a diviſion of the ſpoils, he has the confidence to expect that his ſtory will gain credit, and would be ready, I dare ſay, to forſwear himſelf, if an oath were tendered to him by my adverſaries: thus, for the ſake of me, who am his kinſman, he would not even give in evidence what was ſtrictly true; but, for the benefit of one who has not a ſhadow of right, he has not ſcrupled to propagate lies, and comes with a forged inſtrument to make you believe what never happened, thinking the ſordid arts of baſe lucre more beneficial to him, than his connection with me. I will now bring the teſtimony of a man, to whom he made an application, and promiſed, on condition that he might partake of the inheritance, to contrive a will in his favour. EVIDENCE.

What

What name then, judges, muſt be given to this man, who ſo readily, for his own profit, invents a falſity concerning the dead? This evidence too will abundantly convince you, that he produced this will, not without a compenſation, but for a ſtipulated reward. Such are the artifices which they employ in concert againſt me, for each of them imagines, that whatever he can filch from the poſſeſſions of Aſtyphilus will be clear gain, and as it were a gift of fortune.

Now that the will cannot be genuine, but that Cleon and Hierocles have conſpired to delude you, I have proved, as clearly as I am able; and I will proceed to demonſtrate, that even had I borne no relation to the deceaſed, yet our early and uninterrupted friendſhip would have given me a better claim to his inheritance, than Cleon and his ſon can produce for themſelves; for when my father Theophraſtus took the mother of Aſtyphilus in marriage from her brother Hierocles, ſhe brought her infant ſon to his houſe, where he continued for a number of years, and was educated under my father's care: when, therefore, I was old enough to be capable of receiving inſtruction, I went with him to the ſame publick ſchool, as you ſhall hear from our friends, who know this to be true, and from the very maſters who inſtructed us both. DEPOSITIONS.

I will alſo prove, that my father cultivated the paternal eſtate of Aſtyphilus, and ſo conſiderably improved it by plantation and tillage, that he doubled its value: let the witneſſes come up. EVIDENCE.

When my brother then had proved his full age before the magiſtrate, he received his whole patrimony ſo juſtly and regularly, that he never once made the ſlighteſt complaint of his guardian: beſides, my father had given the ſiſter of Aſtyphilus in marriage to a man whom he highly approved; and this conduct, as well as the pains which he had taken

taken in managing ſome other affairs, gave complete ſatisfaction to the young man, who thought that my father, by whom he was educated in his infancy, had afforded him the cleareſt proof of his care and affection. The circumſtances of his ſiſter's marriage ſhall be proved by perſons who were perfectly acquainted with them. WITNESSES.

Let me add to this, that my father conſtantly took Aſtyphilus, together with me, to the ſhrines of his family, and even introduced him to the feaſts of Hercules, as the members of that fraternity will depoſe, in order to procure his admiſſion into their ſociety. EVIDENCE.

Revolve now in your minds, judges, the nature of my connection with Aſtyphilus: firſt, we were bred together from our childhood; and ſecondly, there never was the leaſt coolneſs between us, but he loved me with conſtant affection; as all our common friends and companions, whom I will call before you, will teſtify from their own knowledge. WITNESSES.

Can you believe then, judges, that Aſtyphilus, to whom Cleon was ſo extremely odious, and on whom my father had conferred ſuch benefits, would have adopted the ſon of his enemy, and given his eſtate away from his neareſt relations and benefactors? I ſhould not think it poſſible, if Hierocles were to produce ten ſuch wills; but ſhould inſiſt that I, as his brother and his deareſt friend, muſt have been the object of his benevolence, and not the ſon of Cleon: theſe men, indeed, have not the leaſt pretence for ſuggeſting that they were entitled to his favour, ſince they had no intercourſe with him while he lived, and neglected even to inter his body, but invaded his poſſeſſions, before juſt honours had been performed to his ſhade. Neverthleſs, they have the audacity to claim his eſtate, not only relying on the will, but even ſetting up a title as his kinſmen, becauſe Cleon was the ſon of his paternal uncle: to this

this argument, judges, you will pay no attention; for Cleon's father, as you before heard, was adopted by another family, and no man thus emancipated can ſucceed to the property, which he has relinquiſhed, unleſs he be allowed in due form of law to return into the houſe from which he came: and, as to the pretended adoption of Cleon's ſon, the relations of Aſtyphilus ſo firmly believe it to be a fiction, that they never would admit the boy to their table in the feſtival of Apaturia, but always diſmiſſed him when he came to demand his ſhare of the feaſt, as I will prove by undoubted evidence. DEPOSITION.

Now, juſtly weighing in your minds what each of us has depoſed, pronounce a ſentence agreeable to truth. Cleon, you find, aſſerts, that his ſon was adopted by Aſtyphilus; and that the will, which he produces, was made by the deceaſed: this I abſolutely deny, and alledge that I, who, as they know, am his brother, have a juſt claim to the whole inheritance. Beware then, judges, of appointing an heir to Aſtyphilus, whom he, when he was alive, would not have appointed; but let the laws, which yourſelves have enacted, be your guide in my cauſe: by thoſe very laws am I protected, and requeſt you, judges (nor can any requeſt be more ſacred), to eſtabliſh my right of ſucceſſion to my brother. I have aſſerted that he never diſpoſed of his eſtate, and have confirmed my aſſertion by unanſwerable evidence: aſſiſt me then in this diſtreſs; and, if Cleon ſurpaſſes me in the powers of elocution, let not his talents avail him in defiance of juſtice and law; but exert your own underſtandings in the deciſion of this cauſe, ſince for no other end are you aſſembled, than that the audacious may not reap advantage from their boldneſs, but that the timid and unexperienced may ſupport their juſt claims, with a full conviction that your minds are intent upon nothing but the truth. Let your verdict, therefore, judges, be favourable to me; and conſider what evils will enſue from your decree in favour of Cleon: firſt, you will ſend to the monument, and the ſhrines of

Aſtyphilus,

Aſtyphilus, thoſe men who were objects of his abhorrence; next, you will diſregard the commands of his father, who gave them with his laſt breath, and will convict the deceaſed of conſummate folly; (for who that hears ſuch a decree, will not believe, that a man who could adopt the ſon of his greateſt enemy had loſt his reaſon through illneſs, or that his ſenſes were impaired by poiſon?) and, laſtly, you will ſuffer me, who was nurſed and educated with my brother, to be ſtripped of my fortune by this Cleon. I ſupplicate, therefore, and implore you, judges, to decide the cauſe in my favour; for thus will you give ſatiſfaction to the departed ſpirit of Aſtyphilus, and will defend me from a flagrant injury.

SPEECH THE NINTH.

ON THE ESTATE OF ARISTARCHUS.

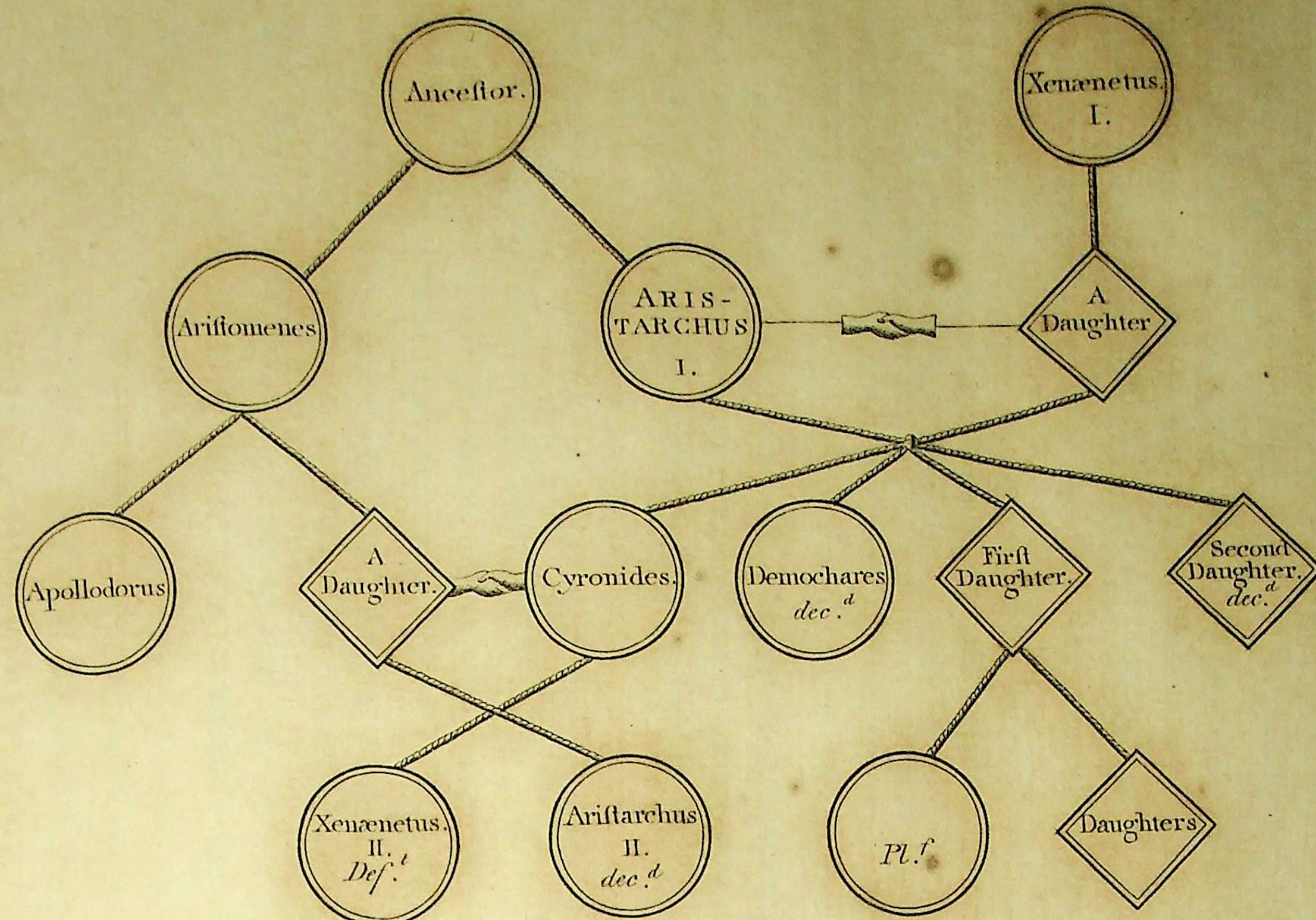
THE ARGUMENT.

ARISTARCHUS having two ſons, Cyronides and Demochares, and two daughters, one of whom was the mother of the complainant, emancipated Cyronides and cauſed him to be appointed repreſentative of his maternal grandfather Xenænetus; leaving his other children to inherit his own eſtate. Demochares died without iſſue, and one of his daughters alſo died childleſs; ſo that the whole fortune of Ariſtarchus came by law to the complainant's mother, who was the ſurviving daughter.

After the death of Ariſtarchus, his brother Ariſtomenes, who was lawful guardian to his children, gave his own daughter in marriage to Cyronides, and engaged to ſupport his claim to all the poſſeſſions of his father, by whom he had been emancipated. Cyronides had a ſon, who was named Ariſtarchus, and was admitted by Ariſtomenes to the houſe and property of his grandfather, as if this had been conformable to the will of the deceaſed. This grandſon died young, having by will left the fortune to a brother of his, named Xenænetus.

While theſe things were tranſacted, and the younger Xenænetus poſſeſſed the eſtate of the elder Ariſtarchus, the ſon of the ſurviving daughter before-mentioned brought his bill of complaint, inſiſting that he alone ought juſtly to take the inheritance; that Cyronides was wholly excluded by his emancipation; that the deceaſed, having a legitimate ſon, Demochares, could not legally have adopted another by his will; and that Demochares himſelf, being under age, was diſabled, as well as his ſiſter who died, from introducing a ſon by adoption to their father's family: ſo that the admiſſion of the younger Ariſtarchus to the poſſeſſions of the elder being illegal, the will of the perſon ſo admitted was invalid; ſince he could not transfer to another what he had not legally obtained. Iſæus contends, therefore, that this laſt-mentioned will being ſet aſide, the property devolves of courſe to the complainant, who repreſents the legitimate daughter of the elder Ariſtarchus. The ſpeech is argumentative; and the cauſe turns upon the validity of ſuch a will, and the comparative merits of both claimants.

SPEECH


Anceſtor.
Xenænetus. I.
Ariſtomenes
ARIS-TARCHUS I.
A Daughter
Apollodorus
A Daughter.
Cyronides.
Demochares dec.d
Firſt Daughter.
Second Daughter. dec.d
Xenænetus. II. Def.t
Ariſtarchus II. dec.d
Pl.f
Daughters

SPEECH THE NINTH.

The Grandſon of Ariſtarchus againſt Xenænetus.

I CANNOT help wiſhing, judges, that as this Xenænetus has been taught to ſpeak falſely with confidence, I on my part were able to declare the truth in this cauſe with equal boldneſs; for then, I am perſuaded, you would ſpeedily determine, whether we are unreaſonable in claiming the fortune in diſpute, or they unjuſt in withholding it ſo long from the rightful heirs; but at preſent, judges, the conteſt between us is by no means equal, ſince theſe men have ſuch powers in ſpeaking and ſuch activity in ſoliciting favour, that they have often been employed to manage the cauſes of others; whilſt I, who have been ſo far from acting for other men, that I never before have pleaded even for myſelf, can only reſt my hopes on your attention and indulgence.

I was compelled, judges, when I found it impoſſible to obtain redreſs without litigation, to declare on my examination before the magiſtrate, that my mother was the daughter of Ariſtarchus and ſiſter of Cyronides, and thus to enter her name on the publick tables: nor will this make it leſs eaſy for you to decide the cauſe; for the ſingle point, which muſt be determined by law, is, Whether Ariſtarchus left his own property to the defendant, or diſpoſed of an eſtate which he had no right to poſſeſs? This is the true queſtion; for the laws permit every one to leave his own as he pleaſes, but have given no man a power to part with the poſſeſſions of another: if therefore you will hear me with benevolence, I will firſt inform you, that this eſtate belonged not originally to theſe aſſociates, but was my mother's patrimony; and will afterwards endeavour to convince you, that Ariſtarchus occupied it by no law whatever, but, in violation of every law, conſpired with his confederates to injure my mother.

I will

I will begin my narration from that period, whence you will be able to form the cleareſt conception of the whole caſe.

Ariſtarchus, judges, of Sypalletus married a daughter of Xenænetus the Acharnean, and by her had two ſons, Cyronides and Demochares, with as many daughters, one of whom was my mother: now Cyronides, the father of the defendant and of the other Ariſtarchus, who wrongfully kept poſſeſſion of this eſtate, was received by adoption into another family, and conſequently waived all right to the fortune of that houſe, from which he was emancipated. On the death of old Ariſtarchus, his ſon Demochares inherited his poſſeſſions; but, he and his other ſiſter dying without iſſue, my mother became ſole heireſs of the family eſtate; yet, although her neareſt relation ought to have married her and defended her property, ſhe was treated on that occaſion, judges, with extreme iniquity; for, Ariſtomenes the brother of Ariſtarchus, having a ſon and a daughter, and having the option either to take my mother himſelf, or to cauſe her by an adjudication of the court to be wedded to his ſon, did neither one nor the other, but gave his own daughter, together with my mother's whole fortune, to Cyronides, of whom this Xenænetus and Ariſtarchus, now deceaſed, were the ſons. After this he was pleaſed to give my mother in marriage to my father; and, Cyronides dying, the brother of Xenænetus was let into poſſeſſion as the adopted ſon of the elder Ariſtarchus, whoſe name he bore: now that ſuch conduct can be juſtified by no law, I will prove to you, judges, by many deciſive arguments; and, firſt, I will produce evidence, that Cyronides was emancipated and adopted into the family of old Xenænetus, in whoſe houſe he died; next, that Ariſtarchus, the firſt purchaſer of this eſtate, died before his ſon Demochares; that Demochares and his younger ſiſter both died infants; and, by conſequence, that the inheritance came legally to my mother. Call up the witneſſes. EVIDENCE.

This

This is our title, judges, to the eſtate in queſtion; for, Cyronides being adopted into the family of Xenænetus, it deſcended from Ariſtarchus to his ſecond ſon Demochares, and from him to my mother, who was one of his ſiſters: but, ſince they ſet no limits to their audacity, and preſume to claim our property without any colour of juſtice, it is neceſſary to convince you, that the younger Ariſtarchus was admitted to the ward of the elder by no legal courſe whatever; for, when you are apprized of this, you will clearly apprehend, that no man can lawfully deviſe an eſtate, which he unlawfully poſſeſſed.

None of you, I believe, can be ignorant, that teſtamentary adoptions are legal only when the teſtator has expreſsly appointed and nominated the perſon adopted: now, if any one ſhould ſay, that Ariſtarchus made ſuch an appointment, he would ſpeak untruly; for, while Demochares, his legitimate ſon, was living, he neither could have the inclination, nor would he by law have the power, to adopt another; or, if they aſſert, that, after the death of Ariſtarchus, ſuch an adoption was made by Demochares, they will again ſpeak falſely; for an infant is not permitted to make a will, the law expreſsly ordaining that neither an infant nor a woman ſhall do an act for the diſpoſal of a ſum exceeding the price of one buſhel of barley: but it has been proved, that Ariſtarchus died before his ſon Demochares, and that he too died not long after; ſo that even on a ſuppoſition of their having made their wills, which they never did make, it would not have been lawful for the younger Ariſtarchus to inherit theſe poſſeſſions. Read the laws, by which both the father and the ſon are forbidden, in ſimilar circumſtances, to diſpoſe by will of their eſtates. THE LAWS.

It is then apparent, judges, that Cyronides had no power to appoint an heir to his father; he might indeed, if he had left a ſon of his own in the houſe of Xenænetus, have returned to his father's family; but, if they

they aſſert that he did return to it, they will ſpeak againſt truth. Thus, if they inſiſt that any third perſon appointed the deceaſed as heir to his grandfather, ſuch an appointment would have been illegal; and, if they urge, that his grandfather himſelf adopted him, they will not be able to produce any law by which ſuch an adoption can be juſtified; but, not to expatiate on what they may probably alledge, it will appear ſtill more glaringly to you from what they actually do alledge, that they are in poſſeſſion of my mother's inheritance againſt law and againſt decency.

It is certain, that neither Ariſtomenes, nor his ſon Apollodorus, to one of whom my mother ſhould have been given in marriage, had any ſuch right as that for which they contend; for it would be ſtrange, when neither of thoſe men, had my mother been married to one of them, could legally have diſpoſed of her eſtate (ſince the law gives the fortune of an heireſs to her ſons in the ſecond year after their age of puberty) if yet, when they diſpoſed of her to another, they might nominate an heir to her poſſeſſions: harſh and abſurd, indeed, would be ſuch a conſtruction of the law. Yet more, her own father, even had there been no male children, could not have left his eſtate without her; for the law permits a man, who has no ſons, to deviſe his property to whom he pleaſes, provided that the deviſee take his daughter in marriage. And ſhall a man, who neither thought proper to marry her himſelf, nor bore any nearer relation to her than that of couſin, be allowed, in defiance of all laws, to appoint an heir to her fortune? Can ſuch an appointment be valid? Who among you can perſuade himſelf of its validity? For my own part, judges, I am fully convinced, that neither Xenænetus, nor any other mortal, can diſprove my mother's right to this eſtate, which deſcended to her from her brother Demochares; but, if they have the confidence to inſiſt upon that point, command them to produce the law, by which the adoption of Ariſtar-

chus

chus can be ſupported, and to declare who adopted him: this at leaſt will be juſt; but I well know that they can produce no ſuch law.

Now that the property in diſpute was my mother's at firſt, and that ſhe was unjuſtly deprived of it by theſe plunderers, has been, I think, ſufficiently demonſtrated by the arguments which have been adduced, the evidence which has been laid before you, and the laws which you have heard: indeed the confederates themſelves appear ſo perfectly conſcious of their wrongful intruſion, that they reſt not their argument ſolely upon the legality of Ariſtarchus's admiſſion to the ward of his grandfather, but add, that his father had a lien upon the eſtate for expenſes incurred by him in defending a ſuit concerning it; ſo that, if their claim ſhould be proved unjuſt on the firſt ground, they may ſeem on the ſecond at leaſt to have juſtice on their ſide. Yet that there is no truth, judges, in this aſſertion, I will convince you by the ſtrongeſt arguments; for, had the fortune been really incumbered, as they alledge, they would not have diſburſed their money to pay the debt: it was not in fact their buſineſs; but thoſe, who might have demanded my mother in marriage, ſhould have deliberated on that affair; nor would they have appointed Ariſtarchus to ſuch an inheritance, from which they could have received no kind of benefit, but muſt have ſuſtained a conſiderable loſs. Moſt people, indeed, when their circumſtances are diſtreſſed, uſually emancipate their ſons, and remove them to ſome other family, that they may eſcape the ignominy of their father's misfortune; and did theſe men diſengage themſelves from their own families, and paſs by adoption into a houſe burdened with debts, that they might loſe even what before belonged to them? It cannot be: no; the eſtate was clear from incumbrances, and deſcended regularly to my mother; but my adverſaries, eager for gain, have injured her, and invented theſe palpable lies to cover their iniquity.

Some one among you, judges, may be ſurprized, when he reflects on the time, which we ſuffered to elapſe, ſince we were diſpoſſeſſed of this eſtate, without aſſerting our right to it in a court of judicature, and may aſk why after ſuch an interval we are at length induced to ſet up our title: now, though I cannot but think it unjuſt, that any man ſhould loſe his property, if either through inability or neglect he has omitted to make his claim (for the time is not to be conſidered, but the juſtice of his demand), yet even for this delay, judges, we can aſſign a very reaſonable cauſe; for my father, having engaged himſelf to my mother, married her with a portion, and thus waived her right as heireſs; while theſe men, therefore, enjoyed the fruits of her eſtate, it was not in his power to commence a ſuit; and when at my mother's requeſt he called them to account, they threatened to have her adjudged to them, unleſs he would be ſatisfied to take her with the portion; but, rather than be deprived of her, my father would have permitted them to poſſeſs an eſtate of twice the value, and for this reaſon he neglected to prefer his complaint againſt them. After this came the Corinthian war, in which both he and I were obliged to enter the field, ſo that neither of us was able to attend a court; and when peace was concluded, I had the miſfortune of being a debtor to the publick revenue; nor would it then have been eaſy for me to have contended with ſuch antagoniſts: ſo juſt are our excuſes for this delay; but it is now expedient, that my opponents ſhould declare, by whoſe gift Ariſtarchus poſſeſſed the eſtate, by virtue of what law he was admitted into his grandfather's ward, and for what reaſon my mother was not ſole heireſs of all his poſſeſſions. Theſe are the queſtions which your ſuffrages muſt decide; not, whether we aſſerted our title a little later than the uſual time; and, if they are unable to diſprove our right, you cannot with juſtice avoid pronouncing a ſentence in our favour: that they will be unable to diſprove it, I am firmly perſuaded; for it is not eaſy for them to contend againſt both law and reaſon; but they will endeavour to move your pity, by telling you in

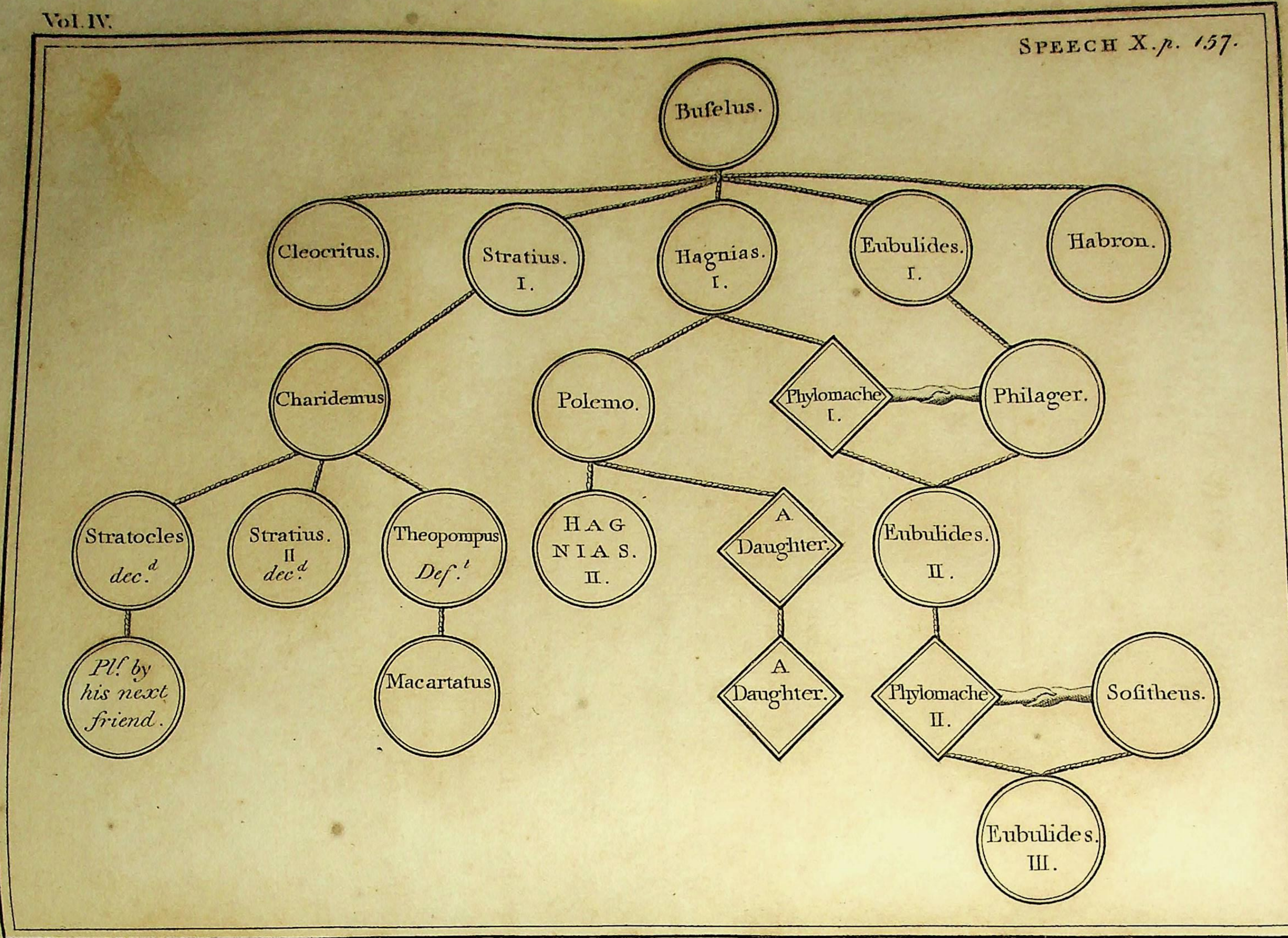
in a mournful ſtrain, that Ariſtarchus was a brave man and periſhed in battle, whence they will take occaſion to inſiſt on the cruelty of ſetting aſide his teſtament. I too, judges, am perfectly ſenſible, that, if any man diſpoſes by will of his own, ſuch will ought to be binding; but that no diſpoſition of another man's property ought in like manner to be ſubſtantiated: now this fortune appears to have been ours, not the teſtator's; ſo that, if they have recourſe to this argument, and bring evidence of Ariſtarchus's will, oblige them to ſhow, as juſtice requires, that he legally deviſed his own; for it would be the hardeſt thing imaginable, if Cyronides, and thoſe who claim by deſcent from him, ſhould not only have inherited an eſtate of above four talents from old Xenænetus, but ſhould alſo ſeize this additional inheritance, whilſt I, who am deſcended from the ſame common anceſtor with Cyronides, am deprived of my mother's fortune, to which ſhe had an indiſputable right, eſpecially when they cannot ſhow in themſelves even a colourable title: yet, as every poſſeſſor of an eſtate, whoſe right is conteſted, muſt declare who was the mortgagor or vendor of it, or prove that he recovered it by a decree of the court, ſo ſhould theſe men, judges, have entitled themſelves to your verdict, by ſhowing in what manner their right accrued, and not by ejecting my mother before any trial from her paternal inheritance.

I ſuſpect indeed, that this Xenænetus is not ſatisfied with having laviſhed the wealth of Ariſtomenes in his unnatural exceſſes, but wiſhes to ſpend my fortune alſo with the ſame diſgraceful profuſion; whilſt I, judges, with a contracted income, having given my ſiſter in marriage with as large a portion as I could afford; and, conſcious of having conducted myſelf with decency, complied with the laws of my country, and ſerved in its wars, have applied to this tribunal, that I may not be wholly ſtripped of my poſſeſſions.

To

To recapitulate the whole: I have proved that Cyronides, the father of theſe men, was emancipated and removed into another family, from which he never returned, that the father of Cyronides and of my mother let this eſtate deſcend to his ſon Demochares, and that, he dying childleſs, it devolved upon my mother.

SPEECH


Busfelus.
Cleocritus.
Stratius. I.
Hagnias. I.
Eubulides. I.
Habron.
Charidemus
Polemo.
Phylomache I.
Philager.
Stratocles dec.d
Stratius. II dec.d
Theopompus Def.t
HAG NIAS. II.
A Daughter.
Eubulides. II.
Pl.f by his next friend.
Macartatus
A Daughter.
Phylomache II.
Sositheus.
Eubulides. III.

SPEECH THE TENTH.

ON THE ESTATE OF HAGNIAS.

THE ARGUMENT.

AN attentive inſpection of the annexed pedigree will give a clearer idea of this intereſting cauſe, than can be conveyed by words: it will there be ſeen that Stratius and the elder Hagnias were brothers, Charidemus and Polemo firſt couſins; and that HAGNIAS, whoſe eſtate is in queſtion, was ſecond couſin both to Stratocles, whoſe ſon is the complainant, and to Theopompus, whom Iſæus defends.

On the death of HAGNIAS, firſt his niece, and then his half-brother Glauco, took poſſeſſion of his effects, on pretence that the deceaſed had left them by will to his niece, with a remainder to Glauco; but Philomache, the daughter of his couſin Eubulides, proved the will to be forged, and obtained a decree for the eſtate. Theopompus then diſputed the title of Philomache, and the former decree was reverſed in his favour; but the ſon of Stratocles, who was in ward to Theopompus, claimed a moiety of the eſtate, alledging, that he had an equal right with his uncle. This was not a private ſuit, but a publick proſecution, or information, againſt a guardian for injuring his ward.

SPEE

SPEECH THE TENTH.

Theopompus against the Son of Stratocles.

I BEGIN my defence, judges, with a recital of the laws, becaufe my adverfary has falfely contended that, by the firft of them, the fon of Stratocles has a juft claim to a moiety of this eftate which was left by my fecond coufin Hagnias. You will obferve that, when a man dies inteftate and childlefs, the law firft calls to the fucceffion the brothers of the deceafed, if he had any by the fame father, and the children of thofe brothers, for they are related to him in the neareft degree; if he had no brothers, his fifters by the fame father, and their children, are his fucceffors; on failure of thefe alfo, thofe in the third degree are called, and they are the firft and fecond coufins of the deceafed by the father's fide: if thefe too fail, the law returns to the firft degree, and gives the inheritance to the brothers or fifters by the fame mother, and to the other kinfmen on the maternal fide, in order as thofe on the paternal fide would have inherited. The legiflator prefcribes thefe rules of fucceffion and limits thefe degrees in terms more concife than thofe which I ufe; but his intention is clearly the fame: now this boy is not related to Hagnias in one of thefe degrees, but is wholly excluded; and, that you may form a diftinct idea of the point which you muft decide, let my antagonift fhow, without fuperfluous words, in which of the degrees juft mentioned the boy is related to the laft owner of this eftate; for, if he can prove his relationfhip in any one of them, I willingly allow that half of the inheritance belongs to him; but, if nothing of this kind can be fhown, will he not clearly convict himfelf of having calumniated me, and attempted to delude you in defiance of the law? I will, therefore, bring him up to your tribunal, and interrogate him, as the heads of the law are read by the officer; for thus will you foon be informed,

informed, whether, or no, this youth has any claim to the fortune of Hagnias.

Come, thou who art ſo ſkilful in accuſing others, and in perverting the laws; and do you *(to the clerk)* take the law and read. THE LAW.

There ſtop.—Now let me propoſe a few queſtions to my adverſary: Is the boy, whom you ſupport, the brother of Hagnias? No.—Or his nephew either by his brother or his ſiſter? No.—Or his firſt or ſecond couſin either on his father's ſide or on his mother's? In which of thoſe degrees, I ſay, that are legally called to the ſucceſſion, was he related to the deceaſed?—Anſwer me not that he is my nephew; for my eſtate is not now in diſpute, as I am living; but had I died childleſs, and had there been a ſuit concerning my property, then would ſuch an anſwer have been proper. You now pretend, that the ſon of Stratocles has a right to a moiety of this eſtate; it is therefore incumbent on you to name the degree, in which the claimant was related to Hagnias. His anſwers, judges, are foreign to the purpoſe, and apply to every thing but that which you wiſh to know: yet a man, who intends to do juſtice, ought not to heſitate, but to ſpeak directly, and not only to anſwer with candour, but upon oath, and to produce evidence of the fact which he aſſerts, that you may the more readily believe his aſſertion; but now ſo ſhameleſs is his impudence, that, without giving one explicit anſwer, without calling a ſingle witneſs, without taking an oath, without citing any laws, he has hopes of perſuading you to convict me, againſt all law, in a cauſe which you are ſworn to decide according to the laws of your country. In this moſt iniquitous way of proceeding I will by no means imitate him, but will openly evince my relation to the deceaſed, will explain the grounds on which I claim his eſtate, and will demonſtrate to your general ſatisfaction, that both this boy, and all thoſe who have before contended againſt me for the ſame property, are utterly excluded from

from the limits of ſucceſſion : but it will be neceſſary to relate from the beginning what has happened in our family, that you may diſtinctly perceive the weakneſs of their claim, and the ſolidity of mine.

Myſelf and Hagnias, judges, and Eubulides, and Stratocles, and Stratius, whoſe ſiſter was the mother of Hagnias, were the children of three firſt couſins; for our fathers were the ſons of as many brothers: now Hagnias, when he was preparing to embark on an embaſſy concerning ſome affairs of great advantage to the ſtate, made his will, in which, inſtead of leaving his fortune, in caſe of any accident, to us his neareſt relations, he appointed his niece to be his heireſs, and ordered that, on her deceaſe, his eſtate ſhould go to Glauco, his half-brother. Some time after his death, both Eubulides died, and the niece whom Hagnias had adopted; upon which Glauco took poſſeſſion of the inheritance by virtue of the limitation to him; nor did we then conceive it juſt to conteſt the validity of the will, but candidly acquieſced in it, and thought that the intention of the deceaſed ought to be effectuated: yet Phylomache, the daughter of Eubulides, aſſiſted by her confederates, claimed the eſtate, and by ſurprize obtained a ſentence in her favour againſt the claimants under the will, although ſhe was not in the regular line of ſucceſſion; but ſhe hoped, it ſeems, that we would not oppoſe her, as we had not diſputed the teſtament of Hagnias: we, however (I mean Stratius and Stratocles and myſelf) perceiving that the inheritance was now open to the next of kin, were preparing to inſtitute a ſuit: but, before our claim could be regularly and formally made, both Stratocles and Stratius died, leaving me the only ſurviving ſecond couſin of Hagnias, to whom the law gives the right of ſucceſſion, after the death of all thoſe who ſtood in the ſame degree of conſanguinity. Who will prove to you, that I am thus entitled to the eſtate, and that the children of my brothers, of whom this boy is one, are entirely excluded? The law itſelf; for it is confeſſed on all ſides that the inheritance;

ritance goes to the ſecond couſins on the father's ſide, but whether it can deſcend to the children of thoſe couſins, is now to be conſidered. Take the law, and read it to the jury. THE LAW. *But if there be no kinſmen on the father's ſide ſo near as the ſecond couſins, then let thoſe on the mother's ſide ſucceed to the eſtate in the ſame order.*

You muſt remark, judges, that the legiſlator hath not ſaid, *if there be no nearer kinſmen on the father's ſide*, let the *children* of the ſecond couſins have the eſtate, but has given it, on failure of relations in the ſame degree with my brother and me, to thoſe on the maternal ſide, to the brothers or ſiſters and their children, and ſo to the reſt, as it has been before obſerved, whilſt our children are completely barred from claiming any ſhare: ſince then, had I been dead, the law would not have called them to the ſucceſſion, how can they conceive, that, whilſt I am living and legally poſſeſſed of the property, they can have any title to the inheritance? It cannot be: ſince the others, therefore, whoſe fathers were in the ſame degree with me, have not the ſhadow of a title, no more has this boy, whoſe father Stratocles was my brother. It is then moſt abominably iniquitous in my adverſaries, when the laws have ſo explicitly given me the ſucceſſion, and ſo manifeſtly excluded all others, to load me with calumny; and, when I put in my claim, neither to controvert my right, nor to give pledges of proving their own (although that was the time for contending with me, had juſtice been on their ſide): but now to haraſs me in the boy's name, and expoſe me by a publick proſecution to the greateſt of all dangers, and, without accuſing me of having embezzled the property, which belongs confeſſedly to my ward, and which if I had unjuſtly or diſhoneſtly laviſhed, as they have done, I ſhould have deſerved this rigour; without pretending, I ſay, to bring any ſuch charge, to attack me with ſo much violence for an eſtate, which you, judges, having permitted any one who pleaſed to litigate

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my claim, decided ſolemnly to be mine, is an exceſs of audacious iniquity.

What has already been urged, judges, has, I believe, convinced you, that I neither injure this boy in any reſpect, nor am in the leaſt degree guilty of the crimes which they impute to me; but I think you will be able to form a more accurate judgement, when you have heard in what manner I claimed this eſtate, and for what reaſons my claim was determined to be juſt. At the time, judges, when I began the ſuit, neither did my preſent accuſer think proper to give pledges of ſupporting the title of this youth, nor had the children of Stratius, who ſtand in the ſame degree with him, any idea of oppoſing me, but all imagined that my right was on no pretence to be diſputed; nor would this very man have now moleſted me, if I had ſuffered him to perſiſt in plundering the boy's effects at his pleaſure, and had not given a timely check to his rapaciouſneſs: this part then of the family, as I juſt informed you, being perſuaded that they were not in the order of ſucceſſion, remained inactive; but the agents of Phylomache, the daughter of Eubulides, who was in an equal degree with the ſon of Stratius, together with thoſe to whoſe care the mother of Hagnias was committed, had the boldneſs to contend with me; yet ſo uncertain were they what title to ſet forth in their bill of complaint, that Phylomache, who was in poſſeſſion of the eſtate, and the advocates, who ſupported her claim, not daring to diſcloſe the truth, and having aſſerted a palpable falſity, were eaſily confuted by me; while the ſupporters of Hagnias's mother, who, being the ſiſter of Stratius, was in the ſame degree with myſelf, but was excluded by the law, which gives a preference to males, waived that part of her pretended title, and, thinking to overpower me with their arguments, inſiſted that ſhe was the mother of the deceaſed; a relation, I admit, the neareſt of all by nature, but not recogniſed by law among

among the degrees of ſucceſſion: having therefore proved myſelf to be a ſecond couſin, and having ſhown the claims of theſe two women to be groundleſs, I obtained your decree; nor did it avail the firſt of them to have triumphed over thoſe who relied on the will, nor the ſecond, to have given birth to the laſt poſſeſſor of the eſtate; but ſo high a value did the juries ſet both on their oaths and on juſtice, that they eſtabliſhed by their ſuffrages the legality of my title. If then I prevailed in this manner againſt theſe female claimants, by demonſtrating that they could not legally ſucceed, if this falſe accuſer durſt not at that time claim a moiety of the inheritance for the ſon of Stratocles, if the children of Stratius, who ſtand on the ſame ground with him, do not even now think it juſt to conteſt my right, if I am in poſſeſſion of the lands and money by virtue of your ſentence, and if I prove that my adverſary cannot now ſhow in what legal degree the boy was related to Hagnias, what elſe, judges, have you to learn? What further can you deſire to hear in this cauſe? I perſuade myſelf, that what has been ſaid will be fully ſufficient for men of your ſolid underſtanding. Yet this calumniator, who ſcruples not to circulate whatever his malignity can ſuggeſt, and flatters himſelf that his iniquity will continue uncenſured, had the confidence to accuſe me of many bad actions (for which defamation I ſhall, perhaps, call him to account), and particularly of having made a bargain with Stratocles, when we were preparing our ſuit, concerning a partition of the inheritance; a bargain which we alone of all perſons, who were going to law, could not poſſibly have made: the daughter of Eubulides, indeed, and the mother of Hagnias, who claimed by two diſtinct titles, might have agreed, when they thought proper to oppoſe me, that whoever was ſucceſsful ſhould reſign a ſhare to the other, for a ſeparate urn was placed on the ballot for each of them; but our caſe was totally different; for as our title was preciſely the ſame, although each of us claimed a moiety, a ſingle urn would have ſerved for us both, ſo that it was impoſſible for one to ſucceed and the other to fail, ſince the

the danger was common to both of us: no agreement then of this nature could have been made by us; but, when Stratocles, before we had put in our reſpective claims, was prevented by death from proſecuting his ſuit, and his ſon was diſabled by the law from renewing it, ſo that the whole ſucceſſion devolved upon me as laſt in order, and it became neceſſary to evict the wrongful poſſeſſors of the eſtate, my accuſer invented this idle calumny, expecting eaſily to delude you by his falſe pretences. That no ſuch compact, indeed, could have been made to any purpoſe, but that the fixed and regular courſe of proceeding wholly prevented it, the law itſelf will evince; which take and read to the court. THE LAW. Does this law ſeem to have put it in our power to make ſuch a compromiſe? Does it not render it impracticable, even if an agreement had been idly formed, by ordaining expreſsly that each party litigant ſhall ſue for his diſtinct portion, but that a ſingle urn ſhall ſerve for thoſe who claim under the ſame title, and that all ſuch cauſes ſhall be conducted in a ſimilar manner? Yet has this man, not regarding the poſitive direction of the law, not conſidering the impoſſibility of ſuch a ſcheme, had the boldneſs to make this heavy charge againſt me without either truth or reaſon; nor has he been contented with this, but has aſſerted the moſt inconſiſtent things imaginable, to which, judges, I requeſt your ſerious attention.

He avers, that I engaged to give the boy a moiety of the eſtate, if I prevailed over thoſe who were in poſſeſſion of it; yet, if he had a right to ſuch a portion, by nearneſs of blood, as my adverſary pretends, what occaſion was there for ſuch a promiſe on my part? If they ſpeak truly, he had an equal power with me of exhibiting a bill for his moiety; and, if he had no kind of title as next of kin, what could poſſibly have induced me to make ſuch an engagement, when the law clearly gave me the whole eſtate? Could not I have put in my claim without obtaining their conſent? This they cannot ſay; for the law permits any man to claim

claim a vacant inheritance. Had they any evidence then of my title, by ſuppreſſing which they might have prevented a decree in my favour? No ſuch evidence was neceſſary, as I claimed by deſcent and not under a will. If it was impoſſible, therefore, for Stratocles, while he lived, to make any compromiſe with me, if he could not leave any part of theſe effects to his ſon, as he had no decree, and the property never veſted in him, if it is highly improbable, that I ſhould have promiſed to give the boy a moiety, let your verdict on this day ſubſtantiate my juſt claim to the whole; and, if theſe confederates never inſtituted a ſuit for this eſtate, nor ever thought proper to contend againſt me, can you poſſibly give credit to their allegations? I think you cannot: but as you may reaſonably be ſurprized, that they neglected at that time to demand their moiety, my opponent aſſerts, that my promiſe of reſigning a ſhare prevented them from attacking the other parties, and that they could not legally enter into a conteſt with me, becauſe an orphan cannot bring an action againſt his guardian; both which aſſertions are falſe; for neither can they produce a law, which would have precluded my ward from aſſerting his claims (ſince the laws would by no means have reſtrained him, but, as they allow a criminal proſecution againſt me, ſo they give both me and him a mutual right of maintaining civil actions), nor were they deterred from litigating the title of others by any promiſe of mine, but ſolely by their conſciouſneſs that no part of the inheritance juſtly belonged to them; and I am fully perſuaded, that, had I even ſuffered the boy to obtain judgement againſt me for a moiety, his advocates and friends would not have attempted to take poſſeſſion of it, nor would they have permitted him to poſſeſs it, being perfectly aware of the danger; ſince, as they would have taken an eſtate without being in the legal order of ſucceſſion, thoſe in a nearer degree might inſtantly have applied to the court and would infallibly have evicted them; for, as I began with obſerving, the law wholly excludes from the inheritance the ſons of relations in the ſame degree with me, and, if our degree fails, it calls

calls to the fucceffion thofe on the mother's fide; fo that Glauco, the half-brother of Hagnias, might have contended with them for the eftate, in which contention they would have been fo far from producing a better title, that they could have produced no title at all; or if Glauco had relinquifhed his claim, the mother of him and of Hagnias might then have juftly entered into litigation for the property of her fon; and, as fhe would have difputed with perfons by no means admiffible to the fucceffion, fhe would clearly have obtained your fentence for the moiety, both law and natural juftice confpiring in her favour. It is apparent, therefore, that my accufer was not prevented from fupporting the boy's demand either by my undertaking or by any law whatever; but, having by falfe pretexts and iniquitous calumnies contrived this information, and now having opened his pretended charge againft me, he has hopes of removing me from the guardianfhip and of transferring it to himfelf; imagining, that by this contrivance he fhows his art and dexterity, fince, if he fails of fuccefs, he will fuftain no lofs, and, if he attains the object of his machinations, he will diffipate with fafety the poffeffions of this youth: you will not then liften to the allegations of my adverfary, nor encourage the practice of profecuting criminally, when the laws have provided a remedy by a civil action. So perfectly fimple and fo intelligible is the juftice of my cafe: I will, therefore, in few words, recapitulate the heads of it, and having, as it were, depofited them in your memory, will afterwards proceed to the other part of my defence againft the remaining articles of accufation.

What then is the real equity of my caufe, and how fhall I define it? This it clearly is: if my opponent avers, that the youth, from his relation to Hagnias, has a right to a moiety of his eftate, let him fue for it in the court of the Archon; and if you there decide in his favour, let him, as the laws direct, take what he demands; but, if he abandons this claim, and infifts upon my promife to divide the property, which I ab-

folutely

ſolutely deny, let him bring his action; and if he can prove any ſuch undertaking on my part, let him, as juſtice requires, have poſſeſſion of his ſtipulated ſhare: again, if he alledges that my ward could not legally controvert my right or ſupport an action againſt me, let him cite the law, which reſtrains him, and if he can fairly produce it, let him on that ground obtain a verdict for his moiety. Yet farther, if he urges that it was neither competent to claim half the eſtate, nor to bring an action on the ſuppoſed promiſe, but that he has, nevertheleſs, a legal title, let him petition the Archon, to make a leaſe of the poſſeſſions in diſpute, and let the leſſee demand a moiety from me as belonging to the ſon of Stratocles. It would have been conſonant to juſtice, and agreeable to the directions of the law, to have followed any one of theſe methods; but it is neither juſt nor legal to haraſs me with a publick proſecution, when a private action was maintainable; and to expoſe even my perſon to danger, becauſe I will not reſign to this boy the property which I recovered by your ſuffrages from thoſe who unjuſtly poſſeſſed it: had I indeed, managed any of thoſe effects, which are indiſputably his, with diſhoneſty and to his detriment, then would an information againſt me have been juſtifiable; but not when I am guilty of no other crime than a reſolution to keep my own eſtate.

Now, that my antagoniſt has not acted juſtly in any one of theſe inſtances, that he has not ſpoken truth on any of the other points, but has fabricated this accuſation from ſordid motives of intereſt, warping the laws to his own ſenſe, and endeavouring to circumvent both you and me againſt equity and reaſon, I think, by all the Gods, that none of you can be ignorant; ſo that all further arguments on this head ſeem unneceſſary.

I obſerve, judges, that my adverſary principally dwells in his charge on a compariſon of the boy's fortune with mine, and repreſents his circumſtances

circumſtances as extremely narrow, but expatiates on the imaginary wealth, which he beſtows on me; accuſing me at the ſame time of ſuch avarice, that, although Stratocles left four daughters, I have not given a portion to any of them, even whilſt I am in poſſeſſion, as he aſſerts, of their brother's eſtate: this allegation I think it proper to refute; for he hopes, by his flouriſhing harangue, to raiſe your envy of me on accouut of my accumulated riches, and to excite your compaſſion for the children of my brother by deploring their pretended indigence. Of theſe facts, therefore, you muſt not be ignorant, but ſhall hear an exact ſtate of them, which will convince you, that my accuſer ſpeaks falſely on this head, as he has ſpoken on all the others; for I ſhould acknowledge myſelf to be the baſeſt of mortals, if Stratocles had died in want, and I being wealthy had taken no care of his children; but if he left them a fortune both more ample and more ſecure than my own, ſo ample, indeed, that the girls were married with handſome portions, and the boy was made rich with what remained, if I have ſo diligently managed their affairs, as to raiſe their eſtate conſiderably, I cannot juſtly incur any cenſure for not reſigning my own property to augment theirs, but rather deſerve commendation for my prudence and induſtry: that all this is true, I can eaſily demonſtrate; and, firſt, I will apprize you of our reſpective fortunes, after which I will ſhow in what manner I have regulated the concerns of my nephew.

The patrimony of Stratocles and myſelf was ſuch as might content us, but not ſufficient to defray the expence of publick offices: what proves it is, that neither of us received more than twenty minas with our wives, and ſo ſmall a portion is not uſually given to men of affluent fortunes; but it happened, that Stratocles had the addition of two talents and a half to his paternal inheritance; for Theophon, his wife's brother, died, having adopted one of his daughters, to whom he gave a farm in the diſtrict of Eleuſis worth two talents, together with ſixty ſheep,

ſheep, an hundred goats, his houſehold furniture, a fine horſe on which he rode when he commanded a troop, and all his other effects; of which Stratocles having enjoyed the profits for nine whole years, left a fortune of five talents and a half, including his patrimony, but excluſively of what Theophon had given to his daughter. His eſtate was this: a farm at Thriæ, worth two talents and a half; a houſe at Melite, which has been ſold for half a talent, and another in Eleuſis, worth five minas: ſuch was the real eſtate of Stratocles, and theſe were the yearly rents of it; of the farm, twelve minas; of the houſes, three: he had, beſides, forty minas out at intereſt, which, at the rate of nine obolus's a month for every mina, bring in annually ſeven minas and twenty drachmas; his whole income, therefore, was more than twenty-two minas. In addition to theſe he left furniture, ſheep, corn, wine, fruit; all which have been ſold for forty minas: he had alſo nine minas in money; and to them we may add his debts, which were called in, to the amount of near ten minas, and which the widow of Stratocles acknowledged before witneſſes to be the boy's property. I ſay nothing of the other effects which he left and which they conceal; but I ſpeak only of what appears, and what they are willing to admit. Call the witneſſes to all theſe facts. WITNESSES.

Such was the fortune of Stratocles, and even larger than this; but I ſhall have ſome other occaſion to call them to account for the goods, which they have embezzled. Now what is my preſent eſtate? A farm in Œnea worth only fifty minas, and the inheritance of Hagnias amounting to two talents and fifty minas, which ſums together are leſs by one hundred and ten minas than the fortune of this youth: in this calculation too I have comprized the effects of my ſon, whom I emancipated, but have not added to the oppoſite ſide the property which Theophon left his daughter by adoption, and which may fairly be valued at two talents and a half; with that addition, which however I have not made,

made, their eſtate will amount to eight talents. Moreover, the inheritance of Hagnias is not yet well ſecured to me, ſince ſome actions brought againſt the witneſſes for perjury will make it neceſſary for me to obtain a ſecond adjudication; but Stratocles left his poſſeſſions to his ſon uncontroverted and incontrovertible. Now let theſe depoſitions be read, to prove that my effects, together with thoſe of my ſon, amount to no more than what I have mentioned, and that actions are depending againſt ſome witneſſes in the cauſe concerning the eſtate of Hagnias.

DEPOSITIONS.

Is the difference then trifling between our reſpective fortunes? Or rather, is it not ſo great, that mine appears almoſt as nothing in compariſon of that which was left to the children of Stratocles? You cannot therefore give credit to the aſſertions of this man, who, although the boy has a flouriſhing eſtate of his own, has ventured to prefer ſo violent and ſo groundleſs a charge againſt me, and inſiſts on three eſtates, which he ſuppoſes me to have inherited, together with the vaſt wealth which I have amaſſed; all which, he ſays, I have ſecreted, that the publick may reap no advantage from my opulence. Such are the calumnies, which men, who have nothing equitable to alledge, are forced to invent, that they may confound the innocent with the boldneſs of their accuſations! You will all, however, teſtify for me, that my wife's two brothers, Chæreleos and Macartatus, were not in the rank of thoſe who bear expenſive offices, but were in circumſtances extremely contracted: you know, that Macartatus, having ſold his farm, bought a galley, which he armed, and ſailed in it to Crete; nor was this a private act, but of ſuch notoriety, that it was mentioned in the aſſembly of the people, where ſome were apprehenſive that the Lacedæmonians would conſider ſuch an expedition as a breach of the peace, and would conſequently renew hoſtilities. Chæreleos, indeed, left an eſtate in Proſpalta not worth more than half a talent, and died before Macartatus, who

who ſoon afterwards periſhed in battle, where the veſſel and all the goods, with which he had embarked, were taken. When the Proſpaltian farm became the property of my wife, ſhe perſuaded me to emancipate one of my ſons, that he might continue the name and preſerve the family of her deceaſed brother Macartatus; not that my parting with that eſtate might exempt me from ſerving publick offices, for that made no difference, as I had ſerved before it came to me, and was among the readieſt to join in contributions, and to perform all the duties which you required of me; ſo that this informer moſt falſely charges me with being an uſeleſs, yet an opulent, citizen.

To conclude; I will ſum up the whole cauſe in one word by a propoſal, which you will allow, I am perſuaded, to be juſt: I offer to bring my whole eſtate, large or ſmall, into hotchpot with that of my ward, and when they are mixed together, let each of us fairly take a moiety of the aggregate value, ſo that neither of us may poſſeſs more than the other; but to this, I know, my adverſary will never conſent.

FRAGMENTS OF ISÆUS.

I.

From a Speech for Euphiletus againſt the Burgeſſes of Erchia.

THE ARGUMENT.

THE law, by which every borough in Attica was commanded to make a review of its members, and to reject all ſuch as were not genuine citizens, gave the rejected a power of appealing to the courts of juſtice at Athens; but ordained, that, if the appellants failed in proving their right, they ſhould be ſold for ſlaves, and their property confiſcated.

EUPHILETUS, the ſon of Hegeſippus, had been disfranchiſed by the Erchians in conſequence of ſome private quarrel; and the diſpute was at firſt referred to two arbitrators, who made an award in his favour; but, as the burgeſſes perſiſted in their refuſal to admit him, he was not deterred by the rigour of the law from bringing his appeal. Iſæus, who compoſed the ſpeech for one of the appellant's brothers, began with an exact narrative of the whole tranſaction, and, having called witneſſes in confirmation of it, ſupported their credibility with the following judicious obſervations.

FRAGMENTS.

* * * *

THAT Euphiletus, judges, is really our brother by the ſame father, you have heard proved by the teſtimony not of us only, but of all our kinſmen. Now conſider firſt what could have induced our father to invent a falſity, and to take by adoption a ſon, whom he had not by nature; for you will find, that all adoptions are made by men, who either have no children lawfully born, or are compelled by their poverty to adopt ſome wealthy foreigners, from whom they expect a pecuniary acknowledgment for the benefit conferred on them by making them citizens of Athens: but our father had neither of theſe motives; for we two are his legitimate ſons, ſo that he could not have been in want of an heir; nor had he any need of ſupport from this adopted ſon, ſince he poſſeſſed a handſome competence of his own; and it has, moreover, been proved to you, that he maintained Euphiletus from his infancy, conducted his education, and introduced him to the members of his ward, of all which the expenſes are by no means inconſiderable. It cannot then be thought probable, judges, that my father would have acted ſo unjuſtly without any proſpect of advantage: ſtill leſs can any mortal ſuppoſe me to be capable of ſuch conſummate folly, as to give falſe evidence in favour of another man, in order to make my patrimony diſtributable among a greater number; for I ſhould preclude myſelf from the power of contending on a future occaſion that he was not my brother; nor would any of you endure even the ſound of my voice, if, having taken a part in the preſent litigation, and given in evidence my nearneſs of blood to the appellant, I ſhould afterwards attempt to contradict my own teſtimony. It is reaſonable too, judges, for you to believe, that not only we, but all his other kinſmen,

men, have ſpoken conformably to the truth; for you will firſt obſerve, that thoſe who married our ſiſters, would never have ſworn falſely in his favour; ſince their wives are only the daughters-in-law of his mother, and ſtep-mothers are in general apt to be at variance with the children of their huſbands; ſo that, even had Euphiletus been the child of any other man than our father, it is not to be imagined, that our ſiſters would have deſired their own huſbands to be witneſſes for the ſon of their ſtep-mother: conſider alſo, that the next witneſs, our maternal uncle, but in no degree related to the appellant, would never have gratified His mother by making a depoſition, not only falſe, but, if Euphiletus had indeed been a foreigner, manifeſtly injurious to his own nephews.

Yet more:—Who among you, judges, can ſuppoſe Demaratus, and Hegemon, and Nicoſtratus, to be guilty of perjury; men, who, in the firſt place, will be found unblemiſhed with any bad imputation, and who, moreover, being intimately connected with us, and perfectly acquainted with our family, have reſpectively acknowledged upon oath the relation which they bear to Euphiletus? I would gladly, therefore, aſk even the moſt reſpectable of our opponents, by what other mode he could prove himſelf to be a citizen of Athens, unleſs by that which we have uſed in evincing the right of the appellant; for I cannot conceive, that he could ſuggeſt any other method, than to ſhow that both his father and his mother were citizens, and to adduce the teſtimony of his kinſmen in ſupport of his allegations. Were our adverſaries, indeed, expoſed to the danger of loſing their own franchiſes, they would think it juſt, that you ſhould attend to the depoſitions of their friends and relations rather than to the defamatory charges of their accuſers; and now, when we give evidence exactly ſimilar to that which they would have given for themſelves, ſhall they perſuade you to be deluded by their pretences, inſtead of believing the father of Euphiletus,

letus, myſelf, and my brother, the members of our ward, and all our kindred; eſpecially ſince the burgeſſes are in no dangerous ſituation, but keep up this conteſt to gratify their private reſentment; while we, who bear witneſs in the cauſe of our friend, are liable to animadverſion, if we ſpeak falſely, in a court of juſtice?

To theſe arguments, judges, I muſt add, that Euphiletus's mother, whom our antagoniſts allow to be a citizen, was ready to make oath before the two arbitrators in the Delphinian temple, that Euphiletus was the ſon of her and of our father; and who could poſſibly know this more ſurely than herſelf? Our father too, judges, who, next to her, muſt be ſuppoſed to have the moſt certain knowledge of his own ſon, both deſired at that time, and deſires now, to ſwear, that Euphiletus was his child by an Athenian citizen, whom he had lawfully married. Myſelf alſo, judges, who was juſt thirteen years old, as I before informed you, when the appellant was born, am ready again to depoſe that this Euphiletus is actually my half-brother. You will juſtly therefore be of opinion, that our oaths deſerve greater credit than the bare aſſertions of our opponents; for we, with a perfect knowledge of the truth, are deſirous of declaring it in favour of our kinſman, while they ſpeak only what they have heard from his enemies, or rather what they have themſelves invented: we too, judges, both laid before the arbitrators, and now lay before you, the teſtimony of his relations, who cannot be reaſonably diſbelieved; while they, when Euphiletus preferred his former complaint, as well againſt the burgeſſes of Erchia as againſt the mayor, who is ſince dead, and when the matter had been two years in a courſe of arbitration, were never able to produce a ſingle witneſs of his being the ſon of any other man than of Hegeſippus, which appeared ſo ſtrong a mark of their falſe pretenſions, that both arbitrators were unanimous in condemning them. Read now the proof of the former conteſt, and the event of it. EVIDENCE.

You

You have heard it proved, judges, that the award was unfavourable to our adverſaries; and, as they would have relied on a contrary determination as a deciſive argument, that our friend was not the ſon of Hegeſippus, ſo we may fairly rely, as an argument no leſs deciſive in his favour, on the determination, that the name of an Athenian had been injuriouſly expunged from the roll of his borough, in which it had firſt been properly inſcribed. On the whole, you have heard, I am convinced, very ſufficient proof, that Euphiletus is really our brother and your fellow-citizen, and that he has been rejected with unjuſt indignity by the burgeſſes of Erchia.

II. *From*

II.

From a Speech for Eumathes.

THE ARGUMENT.

A ſlave, named Eumathes, had been regularly manumitted by Epigenes his maſter, and had opened a banker's houſe at Athens, where he reſided in the capacity of a freed man, till Dionyſius, his maſter's heir, claimed him as part of his eſtate, inſiſting either that there had been no manumiſſion, or that it was irregular and void. This claim was oppoſed by a citizen who patronized Eumathes, and employed Iſæus to compoſe his defence, of which all but the opening is unfortunately loſt.

ON a former occaſion, judges, I gave my aſſiſtance, with good reaſon, to the defendant Eumathes, and will now endeavour, as far as I am able, to co-operate with you in preſerving him from ruin; but, leſt any of you ſhould imagine, that a forward petulance or ill-deſigned officiouſneſs have induced me to intereſt myſelf in his affairs, I intreat you to hear a ſhort explanation of my conduct. When I commanded a galley in the archonſhip of Cephiſodotus, and a ſtrong report of my death in a naval engagement had reached the ears of my friends, Eumathes, with whom I had depoſited ſome valuable effects, called together my relations, to whom he diſcovered the depoſit, and reſigned my property to them with the moſt rigorous exactneſs: in return for this honeſt behaviour, when I was wholly out of danger, I cultivated a ſtricter friendſhip with him, and, when he ſet up his bank, advanced him a ſum of money to increaſe his capital; and afterwards, when Dionyſius claimed him as a ſlave, I prepared to aſſert his liberty, having poſitive knowledge, that Epigenes had enfranchiſed him in open court.

III. *From*

III.

From a Defence of a Guardian againſt his Ward.

I SHOULD have been happy, judges, not only if I had eſcaped the ſcandalous imputations of laying ſnares for the property of others, and inſtituting ſuits with that view (imputations, which I am ſo perfectly conſcious of having never deſerved), but alſo, if my nephew, inſtead of graſping at my eſtate, would have taken due care of his own paternal fortune, which we juſtly ſurrendered to him, a fortune not inconſiderable, but ample enough to ſuſtain the burden of the moſt expenſive offices; for then he would have been eſteemed by all as a worthier man, while, by preſerving and increaſing his patrimony, he would have proved himſelf a uſeful citizen: but, ſince he has aliened part of it, and conſumed the reſt in a manner that gives me pain; ſince, relying on the number of his aſſociates and the preconcerted quirks of his advocates, he has invaded my poſſeſſions, I cannot but conſider it as a misfortune, that a kinſman of mine ſhould act ſo diſgracefully, and I muſt enter upon my defence, with all the activity in my power, againſt his direct accuſation and the impertinent calumnies which accompanied it.

* * *

Now this is the plan which I have followed, that the truth may be juſtly extorted from the ſlaves; while my adverſary, like a man deſirous only of circumventing, has recourſe to invectives and idle ſophiſms: were he willing, indeed, to obtain juſtice, inſtead of ſeeking to baffle and delude your minds, he would not act in this manner, but would come to a fair account, bring his own proofs, and thus interrogate me to every diſtinct article in my bill. How many taxes have you reckoned? So many, I ſhould

ſhould have anſwered, or ſo many. To what ſum do they amount? To ſo much or ſo much. By what decrees of the people were they exacted? By theſe in my hand. Who received the money? Theſe witneſſes, who will ſwear to their receipt of it. He ought next to have examined minutely the number of the contributions, the ſums paid, the decrees, the receivers; and, if all appeared juſt, to have allowed my account; if not, to have proved what falſity or unfairneſs he could find in it.

IV. *From*

IV.

From a Speech againſt the Members of his Borough, concerning a Farm.

I SHOULD principally have deſired, judges, to have ſuſtained no injury at all from any citizen whatever; and next, if an injury were inevitable, to have ſuſtained it from adverſaries, whom I might bring to juſtice without concern; but I now find myſelf reduced to a moſt afflicting alternative; for I am injured by my fellow burgeſſes, whoſe invaſion of my property it is not eaſy to paſs over without complaint, and whoſe attacks it is unpleaſant to repel with animoſity, ſince neceſſity obliges me to meet them often on occaſions of publick buſineſs. It is difficult alſo to contend with many antagoniſts, whoſe number alone has a conſiderable effect in giving them the appearance of ſpeaking truth; yet, relying on the merits of my caſe, and having ſuffered many enormous hardſhips, I conceived that I ſhould no longer decline attempting to obtain redreſs by your ſentence: give me therefore your indulgence, if, young as I am, I have ventured to open my lips in a court of judicature; for the ſenſe of my wrongs compels me in this inſtance to depart from my former habits of reſerve; and I ſhall now endeavour to apprize you of the whole tranſaction, relating it from the beginning as conciſely I am able.

V. *From*

V.

From a Speech in an Action of Debt.

* * *

THIS moſt abandoned of men, without producing thoſe witneſſes, before whom he aſſerts the money to have been paid, affects to think it juſt, that you ſhould give greater credit to them, who alledge that it was reſtored, than to us who deny that we have ever received it; yet it is well known, I believe, to all, that, as in the flouriſhing ſtate of their father's fortunes they would not have diſcharged the debt without compulſion, ſo after his diſgrace and total ruin we could not even have compelled them to diſcharge it.

* * *

NOTES

NOTES ON ISÆUS.

PAGE 50. — of which they boldly aſſert that he was a creditor.] A ſlight variation in the text would make it neceſſary to alter the tranſlation of this paſſage; and, inſtead of the words above cited, to read— "which they aſſert that he had encumbered with debts:" it ſeems, however, more probable, that the deviſees pretended to have a lien on the paternal eſtate of the young men for ſome money due to the deceaſed, than that Cleonymus ſhould have mortgaged the property of his nephews, which we can hardly ſuppoſe that he had a power of doing.

—Polyarchus] Reiſke has ſubſtituted Poliarchus, *ruling the city*, inſtead of Polyarchus, *with extenſive ſway*; but the firſt proper name appears to be unſupported by analogy, and the ſecond ſtands foremoſt in the liſt, which Xenophon has given us, of the thirty tyrants.

51. Cleonymus himſelf, when he recovered from that illneſs, in which he made his will, declared, that he wrote it in anger.] The conſtruction, which Taylor propoſed, and which Reiſke thought unintelligible, ſeems to convey a clear and obvious meaning, as I have rendered it.

53. When one of the proper officers came to the door] The text has Archonides, a proper name, which I cannot help ſuſpecting, as the Archon is mentioned a few lines before; and the ſimilarity of ſound might have miſled the tranſcriber.

54.—one

54. —one of the two moſt oppoſite things] I have ſupplied a chaſm in the original, as well as I was able, and have given the paſſage a tolerable ſenſe. Taylor ſuppoſes this ſpeech to be very imperfect, and imagines that half of it is loſt, becauſe the names of Pherenicus and Simo, who are not mentioned in the oration, occur in the argument; but it muſt be obſerved, once for all, that the Greek arguments are for the moſt part erroneous, and ſeem to have been written by ſome very ignorant grammarian.

56. —the Cyprian] Not a native of the iſland Cyprus, but member of a borough in Attica ſo named. Reiſke.

—poſſeſſed of three talents] I uſed to value the Attick talent, on the authority of Arbuthnot, at 193l. 15s. and to think it conſiderably underrated by Tourreil and Prideaux; but my friend Mr. Combe, whoſe knowledge of ancient coins is no leſs exact than extenſive, has convinced me that Arbuthnot himſelf has undervalued it; for, by weighing with great accuracy thirty of the fineſt Athenian tetradrachms in the collection of Dr. Hunter, and by comparing the average of their weight with the ſtandard price of ſilver, he ſhowed to my full ſatisfaction, that the Attick drachma was worth about eight-pence half-penny, the ſixth part of which was the obolus, or one penny, and five twelfths; the mina therefore, which Solon raiſed from ſixty to a hundred drachmas, was equal in value to three pounds ten ſhillings and ten pence, and the talent, or ſixty minas, to *two hundred and twelve pounds ten ſhillings.* Three talents then, of which Pyrrhus was poſſeſſed, were ſix hundred and thirty-ſeven pounds ten ſhillings, a ſmall fortune in England, but not inconſiderable at Athens, where ſilver was ſcarce, and even the ſuperfluities of life eaſy to be procured. Wherever Attick money is mentioned in theſe ſpeeches, the reader will in a moment reduce it to Engliſh money by the help of this note.

59. —one

59. —one witneſs only, named Pyretides] I have left the word διαπρατλόμενος untranſlated, although it is emphatical in itſelf, and ſeems to have no ſmall force in the original; but its common acceptation is hardly reconcilable with the context; for it implies an actual ſubornation of Pyretides, who yet was but a pretended witneſs, and diſclaimed any knowledge of the affair. Can it be rendered thus—"Pyretides, whom he hired to attend him?" Or thus—"Pyretides, whom he attempted to ſuborn?"

60. —when Xenocles went to Thebes with an intention to eject our ſervants from the mines] It is impoſſible not to agree with Reiſke that this paſſage abounds with difficulties; nor could I have made it intelligible in a verbal tranſlation. As to the words, εἰς τὸ ἐργαστήριον τὸ ἡμέτερον εἰς τὰ ἔργα, it is obſervable that Demoſthenes has a ſimilar repetition in the beginning of his ſpeech againſt Pantænetus, where the cauſe relates to a diſpute about a foundery in Maronea. Perhaps, on the authority of that parallel paſſage, we might here read ἐν τοῖς ἔργοις. How there came to be *works* in the territory of Thebes, or how an Athenian could have property in the Theban dominions, I cannot tell. It once occurred to me, that if Θήβαζε were the true reading, and not Θρίαζε or Θόραζε, there might have been a diſtrict in Attica of that name; but that was mere conjecture; and the diſtance from Athens to Thebes in Bœotia appears in the beſt maps of ancient Greece to be juſt three hundred ſtadia. Ἐξαγωγὴ is a forenſick term exactly anſwering to *ouſter*; and in this technical ſenſe the verb ἐξάγειν, *to ouſt*, is uſed by Iſæus, once in this ſpeech, and twice in that on the eſtate of Dicæogenes. Reiſke ſuppoſes, in one of his notes, that the ſervants of Xenocles were ouſted by the brother of Endius; but why ſhould Xenocles carry ſo many witneſſes out of Attica, to atteſt an act which he could not poſitively foreſee? The learned editor's note and tranſlation are at variance in the interpretation of this dark paſſage. I have choſen the leaſt exceptionable

able ſenſe, although one does not eaſily ſee the neceſſity of travelling ſo far to claim the eſtate of Pyrrhus, the title to which was ſoon after brought before the court in another form: the reaſoning, indeed, of Iſæus in this place proves, that the act of Xenocles was frivolous.

75. —ſhould not pay the ordinary coſts of the ſuit] In the original, μὴ κατὰ τὸ τέλος ζημιοῦσθαι, upon which paſſage Reiſke has the following ingenious note: "Locus difficilis, dictio perambigua et inexplicabilis! "Suſpicabar aliquando tantundem hoc eſſe atque κατ᾽ ἐπωβελίαν, non ſo-"lummodo ſextâ parte ſummæ univerſæ, quam valent bona petita "mulctari, ſed totâ ſummâ. Nunc dubito, an potius ſignificet *pro* "*cenſu*. Cenſebatur civis quiſque quantum in bonis haberet, atque "pro iſto cenſu major aut minor cuique mulcta irrogabatur. Quærant "peritiores." Without pretending to be one of thoſe, to whom the candid annotator refers for a ſolution of this difficulty, I will follow him in fairly confeſſing my doubts and even my errors. I once imagined with him, that nothing more was meaned than the fine of an obolus for every drachma, or a ſixth part of the ſum claimed; and I amuſed myſelf with conjecturing that ΚΑΤΑΤΟΤΕΛΟϹ might have been written by an ignorant tranſcriber for ΚΑΤΟΒΟ ΛΟΥϹ; but I ſoon acquitted the tranſcriber and laughed at my own criticiſm. As to the ſuppoſition that the party who made a falſe claim was amerced in proportion to his rank or *cenſus*, I never could adopt it: there is no authority for ſuch an interpretation; and the wiſe Athenians would not have allowed a practice, which would have been a check to the wealthy only, who were leſs likely to inſtitute iniquitous ſuits, while the low and indigent might have diſturbed the titles of their fellow-citizens without much danger. My next idea is expreſſed in my tranſlation: as τέλος was anciently uſed for *expenſe*, whence εὐτέλεια ſignified *frugality*, and πολυτέλεια, *profuſion*; I conceived that Iſæus meaned only the coſts of ſuit, or *expenſa litis*, *in quibus*, to uſe the words

words of the Roman code, *victor victori condemnandus est*; and the Athenians, I supposed, had the same maxim. In this notion I acquiesced, till the very learned editor of Euripides favoured me with his opinion, that τέλος was a generick name for a tax or duty, and comprehended, among other branches of the revenue, the πρυτανεῖα, or *deposits*, which are mentioned by Aristophanes, and by Isæus himself in his second speech, and which were forfeited to the publick by the unsuccessful claimant: he thought, therefore, that the Greek words ought to be rendered—" not only to be punished by a forfeiture of his deposits." This seemed plausible; but it appears from the scholiast of Æschines, that those forfeited deposits were the perquisites of the jury, and I am now convinced without a shadow of doubt, that the passage must be translated thus: " It would be right, judges, that every claimant of an " estate, by gift or testament, who fails in proving his title, should not " be amerced *by the limited power of the magistrate*, but should forfeit to " the state the full value of the fortune which he falsely claimed." It was inconsistent with a free government that any magistrate should have an unlimited power of imposing fines: the senate itself could impose none exceeding five minas, which was less than eighteen pounds; and, in the speech of Demosthenes against Euergus and Mnesibulus, that venerable body are said to have deliberated whether they should set a fine upon Theophemus *to the full extent of their legal power*, or should deliver him over to a court of justice, that he might be more severely punished. Now among the various senses of τέλος it denotes, according to Ulpian, *the power of a magistrate*; and the very words of Isæus are taken from the law of Solon preserved by Demosthenes in his speech against Macartatus: " Let the archon take care of orphans and heiresses, " and protect them from violence: if any one should injure them, he " may fine the delinquent κατὰ τὸ τέλος"—which Potter translates very properly, *as far as the limits of his power extend*. If the magistrate thought he deserved a heavier penalty, he was directed by the same

law

law to prefer an accuſation againſt him, in the nature of an information *ex officio*, in the court of Heliæa; where a corporal puniſhment might be inflicted, or a larger mulct impoſed, by the verdict of a jury. This paſſage in Demoſthenes puzzled Wolfius, who ſeems to have been diſſatisfied with his own explanation of it; and Reiſke, though he was apprized of Petit's interpretation, ſtill returns to his old opinion, that τέλος there ſignified the *fortune* and *rank* of the offender, an opinion unſupported, as I intimated before, either by reaſon or authority.

79. —committed by the magiſtrates to priſon (whence he was afterwards releaſed) together with ſome other felons, whom you publickly ſentenced to an ignominious death] The text is, πρῶτον μὲν εἰς τὸ δεσμωτήριον ἀπήχθη, τοῦτο ἀφαιρεθεὶς, μεθ' ἑτέρων τινῶν ὑπὸ τῶν ἕνδεκα, οὓς δημοσίᾳ ἅπαντας ὑμεῖς ἀπεκτείνατε. A moſt perplexing paſſage! If the relative belong to the eleven, inſtead of the criminals, it muſt be tranſlated in this manner: "he was firſt committed to priſon, and afterwards ſet at liberty with "ſeveral others, by thoſe eleven, all of whom were publickly executed "according to your ſentence." It is well known that the office of the eleven at Athens correſponded in ſome reſpects to that of our juſtices of peace, and in others to that of our ſheriffs; they had power to commit felons, and were obliged to ſee them executed after their conviction. Now had the Athenians at any time put ſo many magiſtrates to death for ſuffering criminals to eſcape, or for any other miſbehaviour, hiſtory would certainly have recorded ſo extraordinary a fact. There were, indeed, *eleven* miniſters of the thirty tyrants, who are mentioned by Plato, and who were moſt probably executed with their employers. Xenophon ſays, that, after the reſtoration of the popular government by Thraſybulus, the thirty tyrants, the ten governors of the Piræus, and *the eleven who ruled in the city*, were excluded from the benefit of the general amneſty. Hence the oath taken by the citizens, that they would not remember the injuries done by any, *except the thirty and the eleven*.

eleven. If we ſuppoſe Chariades to have been releaſed by theſe men, who muſt have been killed in the ſecond year of the ninety-fourth Olympiad, we may form a plauſible gueſs concerning the date of this ſpeech; for, if he fled from the Areopagus in the year after his releaſe from priſon; if Nicoſtratus died ſeventeen years after that; and if two years were ſpent in the controverſies among the ſix firſt claimants of his eſtate; this cauſe, in which Iſæus was employed, might have been tried in the twenty-firſt year after the archonſhip of Euclid, in which year Demoſthenes was born. After all, how uncertain are theſe conjectures upon conjectures!

83. Let the oath again be read.] Why ſo? Could it ſo ſoon have been forgotten? I am perſuaded, that theſe words were repeated by miſtake; and that in this place were read the ſchedule and inventory mentioned in the preceding pages.

—having ſailed to Cnidos] This could not have been the ſea-fight at Cnidos, in which Conon obtained a ſignal victory over Piſander. It is probable that the naval engagement, in which Dicæogenes fell, was that deſcribed by Thucydides in his eighth book, which happened in the firſt year of the ninety-ſecond Olympiad, and the twentieth of the Peloponneſian war; when Aſtyochus defeated Charminus at Syme near Cnidos: now if we ſuppoſe, as we reaſonably may, that the fortune of the deceaſed was diſtributed among his relations in the ſame year, each of them muſt have poſſeſſed his ſhare till the ſecond year of the ninety-fifth Olympiad. The troubles, to which Iſæus alludes, began in the archonſhip of Pythodorus, but laſted ſome time after that of Euclid: in that interval the defendant Dicæogenes was inſtigated by Melas to claim the whole eſtate, although he did not obtain judgment for it, till twelve years had elapſed from the firſt diſtribution; and, as he enjoyed the profits of the eſtate for ten years, this ſpeech was probably

bably delivered in the laſt year of the ninety-ſeventh Olympiad, or two thouſand one hundred and ſixty-ſix years ago, and may therefore be conſidered as one of the moſt ancient monuments now extant in the world of the litigation, which naturally followed the liberty of tranſmitting property by will.

84. —having purchaſed the houſe of their father and demoliſhed it] Reiſke alters the punctuation of the text, and gives it this ſenſe: that Dicæogenes bought the houſe of Theopompus, and, having dug up the garden, which ſeparated it from his own houſe, filled the intermediate ſpace, and made one very large manſion for himſelf. Surely, this is a forced conſtruction founded on a very uncertain conjecture. The cruelty of the act ſeems to have conſiſted in his having demoliſhed the dwelling houſe and dug up the area, as if Theopompus had been a traitor. The ſentence againſt Antipho the orator and Archeptolemus is preſerved, and part of it was, *that their houſes ſhould be demoliſhed*. The word κατασκάπτειν, which is uſed both in that ſentence and by Iſæus, ſeems applicable to a *building*, but not to a *garden*. I perceive, on reviſing this paſſage, that the words παίδων ὄντων τούτων, *while they were boys*, are left untranſlated. Few tranſlations, not ſtrictly verbal, are free from ſuch overſights.

85. —he ſent my couſin Cephiſodotus to Corinth] Probably at the beginning of the ninety-ſixth Olympiad, when the Corinthian war broke out.

86. —but the ſiſters of the deceaſed whoſe daughters we married.] If we ſuppoſe that the ſiſters of Dicæogenes had daughters, who intermarried with their firſt couſins, we need not have recourſe to Reiſke's conjecture, that this part of the ſpeech was delivered by a different perſon.

91. —when

91. —when Lechæum was taken] That is, in the fourth year of the ninety-ſixth Olympiad, three hundred and ninety-two years before Chriſt.

92. —the Eponymi] We are here obliged to Reiſke for an excellent emendation: the old reading was ὁμωνύμων, which can have no meaning, unleſs we ſuppoſe that ſtatues had been erected to the memory of the brave citizens, who bore *the ſame name* with Dicæogenes: but the *Eponymi* were the ten heroes, from whom the ten tribes of Attica were *named*, and many publick inſtruments were hung up on their ſtatues, which ſtood in the moſt conſpicuous part of the city.

93. —in the battle of Eleuſis] That venerable ſcholar and ſoldier, M. Paumier de Grentemeſnil, has taken great pains to elucidate this paſſage of Iſæus; but ſeems, after all, to have left it as dark as he found it. Whether Dicæogenes, the plaintiff's great-grand-father, periſhed, as Reiſke imagines, in the irruption made by Pliſtoanax into the diſtrict of Eleuſis, or whether he fell in one of the preceding ſkirmiſhes with the Corinthians, mentioned both by Thucydides and Diodorus, I muſt leave undecided, and that without much regret. The battle of Spartolus, which the hiſtorian of the Peloponneſian war has fully deſcribed, was fought in the fourth year of the eighty-ſeventh Olympiad, the ſame year in which the death of Pericles was more than compenſated by the birth of Plato. The conjecture of Paumier, who would read Ὀλυνθίας inſtead of Ὀλυσίας, and would render it *Spartolus in the Olynthian territory*, is ingenious but not convincing. Spartolus was known without an adjunct: had any been neceſſary, it would have been Βοττικῇ; but a place, were Athens loſt four hundred and thirty gallant men, with all their general officers, muſt have acquired a dreadful celebrity. Still leſs can we be ſatisfied with the hypotheſis of Reiſke, who propoſes to read Ὀδρυσίας, *although the Odryſians had nothing to do with Spartolus*; *but the orator,*

orator, ſays he, *might not have been ſkilled in geography, and might have confounded Odryſia with Bottiæa.* His other conceit, to which he was leſs partial, that the troop, which Menexenus commanded, was called *Odyſſean* from Ulyſſes, has more ingenuity in it. By what names the Athenians diſtinguiſhed their legions, I have not learned: if 'Ολυσίας be the true reading, the name may bear ſome affinity to the words ὀλοὸς or ὀλέθριος, *deſtructive*.

93. — the Olynthians] 'Ολύνθιοι. "Suſpectum hoc nomen. Olyn-"thios, qui ſemper Athenienſibus infeſti fuiſſent, pro his occubuiſſe "dimicantes adverſus Peloponneſios, unde ipſi orti eſſent, id verò miror, "neque memini uſpiam legere." Reiſke. It is abſolutely certain, that the Corinthian, not the Peloponneſian, war is here meaned by Iſæus: now the Olynthians had actually begun to diſtinguiſh themſelves as an ambitious and martial people at the very time when this cauſe was heard. I was unwilling, therefore, to alter the word in the text, although I have always ſuſpected, that 'Οπούντιοι was the genuine reading. The Locri Opuntii, who, both on their own coins and in the Greek books, are called ſometimes Locrians, and ſometimes *Opuntians* only, were the firſt promoters of this war; and it cannot be conceived, that they remained inactive, when their ſupporters the Thebans had engaged Athens in their quarrel.

94. — thy anceſtors, who ſlew the tyrant] The ſong of Calliſtratus, which every ſchool-boy in the higher claſſes can ſay by heart, has made the name and ſtory of Harmodius familiar to all. If the defendant Dicæogenes deſcended from that line through his father Proxenus, and not through his mother, the pedigree prefixed to this ſpeech muſt be corrected; and, indeed, there does not ſeem to be ſufficient reaſon for ſuppoſing that Proxenus and the firſt Menexenus were brothers.

94. — thou,

94. —thou, Dicæogenes] Contempt and indignation cannot be more ſtrongly marked, than by the poſition of the proper name at the end of this ſpeech; but it would not have the ſame effect in our language without voice, look, and geſture, to enforce it. The ſingle name of Dicæogenes, as it ſtands in the original, ſupplies the place of epithets, and inſtantly ſuggeſts the idea of every thing deſpicable.

96. —when Meneſtratus ſailed to Sicily] Who Meneſtratus was, I know not; but have not ventured to depart from the text. The date of this ſpeech may be fixed with the greateſt certainty; for Iſæus afterwards ſays, that fifty-two years had elapſed from the fatal expedition to Sicily in the archonſhip of Arimneſtus, that is, from the firſt year of the ninety-firſt Olympiad; ſo that, if *from* be excluſive, and complete years be meaned, the cauſe was tried in the ſecond year of the hundred and fourth Olympiad, when Chariclides was Archon. This was the year after Demoſthenes, who was then in all probability a pupil of Iſæus, had ſpoken in his own cauſe againſt his guardians.

102. Philoctemon was ſlain at Chios] Moſt probably in one of the engagements mentioned by Thucydides in his eighth book. Timotheus, whom Phanoſtratus accompanied, was perhaps the ſon of Conon, who afterwards acquired ſuch fame by his victory at Leucas; and Chæreas, who married the daughter of Euctemon, might have been the ſon of Archeſtratus, whoſe actions are recorded by the hiſtorian.

103. —more than three talents] That is, including the price of the ſlaves, without which the ſums enumerated amount to leſs than three talents by four minas and fifty drachmas. The text is extremely clear, but Reiſke's note gives me infinite trouble; nor can I yet comprehend by what method of computation he made the whole ſum riſe to

to four talents, wanting fifteen minas. He was not, *forsooth*, with all his learning, *a great arithmetician*.

110.—yet how can a man be said to have died childless] We must here give Reiske the applause, which he justly deserves, for a most happy and ingenious emendation. The original, in the edition of Stephanus, is, πῶς ἂν Αἴσιμος τις; but, in that of Aldus, it is, ΠΩΣ ΟΥΝ ΑΝΑΙΣΙΜΟΣ ΤΙΣ, which was manifestly corrupted by the change of three letters from ΠΩΣ ΟΥΝ ΑΠΑΙΣ ΗΝ ΟΣΤΙΣ; so that the imaginary personage, Æsimus, vanishes at once, and there remains a perspicuous intelligible sentence. Another correction, which I cannot adopt, was proposed by the writer of a few notes on a loose piece of paper, now preserved at Eton, in an edition of the Greek orators, which formerly belonged to Mr. *Topham*. These notes were transcribed by Taylor, and his transcript was sent by Dr. Askew to Reiske, who constantly cites it by the name of *liber Tophanis*, desiring that no body will ask him who *Tophanis* was, and frankly declaring that he could not tell. I mention this trifle for the sake of those, whose curiosity may be raised by seeing the references to this unknown critick.

114.—who has since been appointed hierophant] The Ἱεροφάντης, who conducted the ceremony of initiation into the mysteries, was not permitted to marry after his appointment to that sacred office; but a previous state of celibacy was not a necessary qualification. Lysias, in his speech against Andocides, mentions one Diocles, son of Zacorus the hierophant.

This cause was probably heard a short time after the Corinthian war.

125.—I

125. — I am not without hopes] It is remarkable, that this paſſage of Iſæus is copied almoſt word for word by Demoſthenes in his firſt ſpeech againſt his guardian Aphobus, as the reflexions upon torture [p. 126] are repeated by him in one of thoſe againſt Onetor. Demoſthenes was very young, when he delivered thoſe four ſpeeches; but I cannot ſee ſufficient ground for believing that Iſæus compoſed them, although he might have given them a few touches with his pencil: they are not too highly finiſhed for a boy of eighteen, who had ſtudied under ſuch a maſter, whoſe language and manner he zealouſly imitated.

135. —a few ſtony fields] In the old editions, φελέαδα χωρία ἄττα ἐκείνῳ δέδωκε. I wonder that Reiſke ſhould entertain a doubt concerning the genuine reading of this paſſage, when he cites Harpocration, who ſays expreſsly, that Iſæus, in this very ſpeech, uſes φελλέα for *a ſtony place where goats browſe*. The orator wrote, φελλέας δὲ, which ſome reader thought proper to explain imperfectly in the margin by χωρία ἄττα; *fields ſo called*; and, when this rude gloſs found its way into the text, the original itſelf was corrupted.

136. —when I have brought him to a trial] Diocles was afterwards proſecuted; and Iſæus compoſed a ſpeech againſt him, from which ten or eleven words are cited by Harpocration.

138. Aſtyhilus died at Mitylene, whither he had ſailed with the army] I once imagined that he might have ſailed with Thraſybulus, who was ſent on an expedition againſt Leſbos in the archonſhip of Philocles, the year after the taking of Lechæum; but, as it afterwards appears, that he had ſerved at Corinth, in Theſſaly, and during the whole Theban war, which was not concluded till the third year of the hundred and third Olympiad, I am at a loſs to determine on what occaſion he could have gone with the army to Mitylene, unleſs it was in the

the ſocial war, in which Leſbos, probably, took ſome part, as her neighbour Chios was ſo warmly engaged in it. If my conjecture be juſt, this was, perhaps, one of the laſt ſpeeches written by Iſæus; who, according to the hypotheſis in my prefatory diſcourſe, muſt have been at leaſt ſixty years old when he compoſed it.

149.—the daughter of Ariſtarchus and ſiſter of Cyronides] This was the truth; but the text, which I think imperfect, makes him declare his mother to be the ſiſter of Ariſtarchus. She would, indeed, have been the ſiſter of the younger Ariſtarchus, if his adoption had been legal; but why it was neceſſary to admit the legality of that adoption before the magiſtrate, and even to acknowledge it on record, I cannot conceive.

154.—After this came the Corinthian war] It follows from this paſſage, that the ſpeech was delivered ſome time after the ninety-ſixth Olympiad, above one-and-twenty centuries ago.

158. I begin my defence, judges, with a recital of the laws] I ſuppoſe that the laws of Solon concerning inheritances were read by the clerk, before Theopompus opened his defence.

160. Phylomache obtained a ſentence in her favour] The year in which this ſentence was pronounced is fixed with the utmoſt certainty by a depoſition preſerved in the ſpeech of Demoſthenes againſt Macartatus, concerning which I intend to diſcourſe at large in the commentary. The witneſſes depoſe, "that they were preſent before the arbitrator in the archonſhip of Nicophemus, when Phylomache, the daughter of Eubulides, obtained a decree for the eſtate of Hagnias againſt all her opponents." Now Nicophemus was archon in the fourth year of the hundred and fourth Olympiad, three hundred and ſixty-one

one years before Chriſt. Some time muſt have been ſpent in the litigation which followed before this cauſe could have been ripe for a hearing; and we cannot be very far from the mark, if we conclude that it was heard two thouſand one hundred and thirty-five years ago.

168. I will ſhow in what manner I have regulated the concerns of my nephew] The orator promiſes to enlarge upon two heads, and he only touches upon the firſt, namely, the compariſon between the fortunes of Theopompus and Stratocles: hence it is manifeſt, that part of the ſpeech is unhappily loſt.

169. His eſtate was this :]

STRATOCLES.	T.	M.	D.
Thriaſian farm - -	2	30	0
Two houſes - - -	0	35	0
Money out at intereſt	0	40	0
Goods and caſh - -	0	49	0
Debts - - - -	0	10	0
Patrimony - - -	0	46	0
	5	30	0

THEOPOMPUS.	T.	M.	D.
Œnean farm - -	0	50	0
Inheritance of Hagnias	2	50	0
Deficiency - - -	1	50	0
	5	30	0

The patrimony of Theopompus muſt have been included in the farm at Œnea; and it is neceſſary to read πεντακισχίλιαι in the valuation of Hagnias's eſtate. The intereſt of the forty minas at nine obolus's a month is properly computed; and the young man's fortune, including the legacy of Theophon, was exactly eight talents, or ſeventeen hundred pounds. Nothing can be more clear than the text, nothing more ſimple

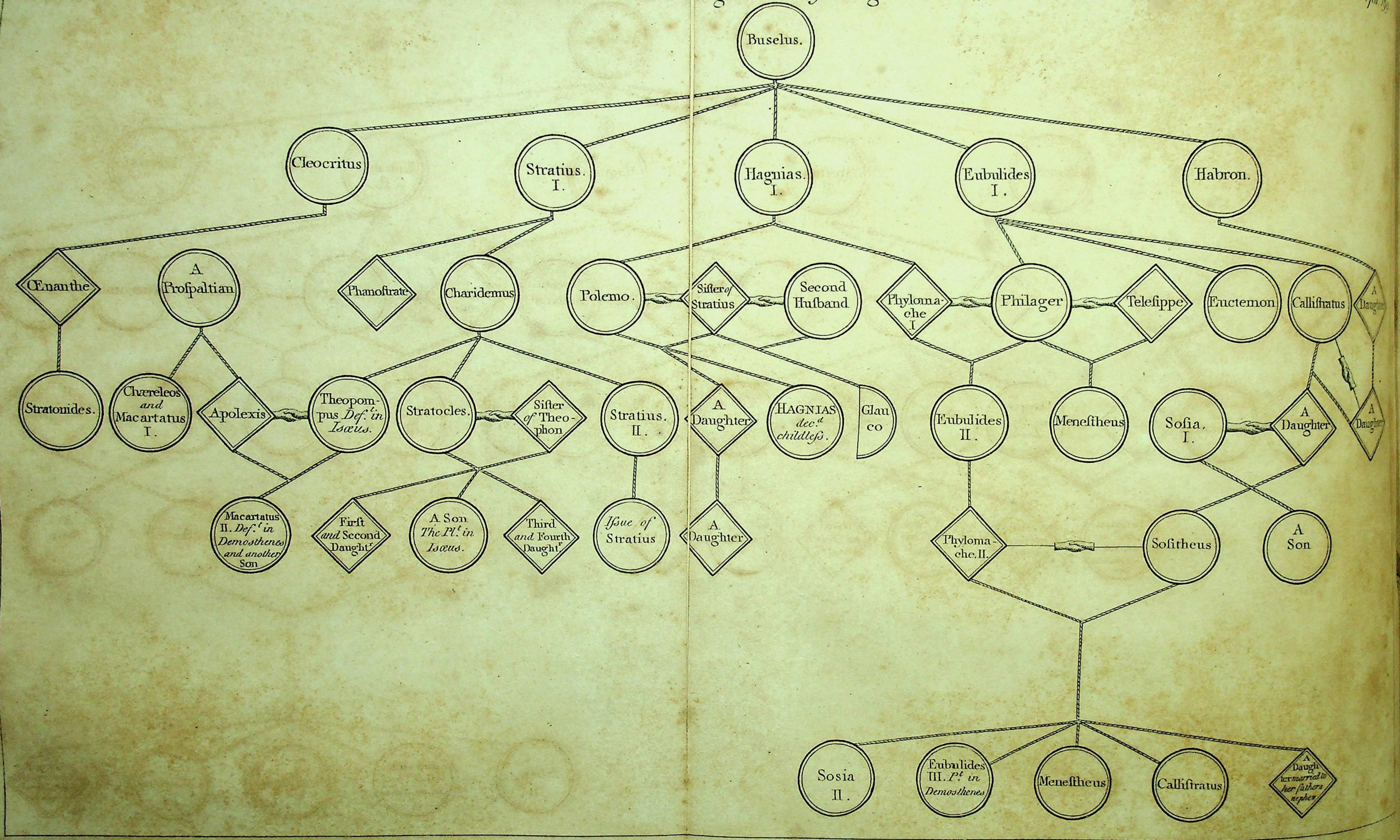
ſimple than the calculation; yet the perplexity, to which Reiſke was reduced, is perfectly ridiculous; for, by jumbling the principal with the intereſt, and the rents with the value of the eſtate, and by adding together all the ſums named in the whole paragraph, he makes the property of Stratocles amount to more than ten talents. "Verum "fatebor enim, ſays he, ad calculandum et omnes omninó artes ma-"thematicas invitâ Minervâ natus ſum." He then attempts a correction, but, finding even that irreconcileable with the computation which follows, he concludes in deſpair—"ut brevis ſim, in componendis hiſce "rationibus pecuniariis exitum non reperio."

170. The Lacedæmonians would conſider ſuch an expedition as a breach of the peace] This was, probably, the general peace concluded in the third year of the hundred and third Olympiad, and broken the next year in the archonſhip of Chio. The Macartatus, againſt whom Demoſthenes compoſed his ſpeech, was the ſon of Theopompus, mentioned in this page, who was appointed to preſerve the name and family of the bold adventurer, his maternal uncle.

178. When I commanded a galley in the archonſhip of Cephiſodotus.] That is, in the third year of the hundred and third Olympiad; but if *Cephiſodorus* be the true reading, as Sylburgius was inclined to believe, this ſpeech muſt have been compoſed either during the ſocial war, or after it; and Iſæus muſt have had the happineſs of ſeeing his pupil advance towards the perfection of eloquence; for the oration againſt Leptines was delivered nearly at the ſame time. It appears from Harpocration, who cites three lines from this ſpeech, that the citizen, who aſſerted the freedom of Eumathes, was named Xenocles.

A COM-

The Pedigree of Hagnias.



A

COMMENTARY

ON

ISÆUS.

THE ten ſpeeches of Iſæus are the moſt ancient in the world on the intereſting ſubject of legal and teſtamentary ſucceſſion to property, except, perhaps, that of Iſocrates on the eſtate of Thraſylochus in Ægina, which has rather the air of a rhetorical exerciſe than of a real addreſs to a court of judicature, and tends very little to elucidate the topicks, which it is now my intention to diſcuſs: next to theſe in order of time on the ſame ſubject, are two ſpeeches of Demoſthenes, one againſt Leochares, and the other againſt Macartatus; from the ſecond of which I have received ſo much light, that, if it had not been extant, I ſhould not have underſtood many paſſages in my author. It was my firſt deſign to ſubjoin at full length this very curious monument of Athenian juriſprudence; but, as the ſpeech conſiſts chiefly of depoſitions and recitals of various laws, which give it very much the reſemblance of a well drawn brief, I think it better to ſum up the evidence in the cauſe, with ſuch obſervations as will render it perſpicuous, and to illuſtrate the whole with a complete pedigree of the family, which will alſo be uſeful in explaining other parts of the Attick law. Demoſthenes himſelf had

had intended, as he tells the court, to draw a genealogical table for their inſpection; but, reflecting that thoſe jurymen who ſat at a diſtance would be unable to have a diſtinct view of it, he thought it neceſſary to explain it by words, which all of them might hear: what Demoſthenes choſe to omit, I have performed with great care for the convenience of the reader; and here we may take notice of the advantage which juſtice derives among us in ſimilar cauſes from the facility of multiplying copies; for, as a number of pedigrees may be printed at an expenſe not to be conſidered in important trials, the court, the jury, and the bar, may eaſily go along with the leading counſel, and form a perfect idea of the queſtion before them. The difficulty, indeed, of explaining a long genealogy by words alone, eſpecially where many of the perſons bear exactly the ſame name, together with the number of miſtakes occaſioned by the negligence of copyiſts, made the ſpeech againſt Macartatus ſo dark and perplexed, that the learned almoſt gave it up as inexplicable; and, when Oporinus complained to Wolfius that he could not comprehend the whole of his Latin verſion, "Do you," ſaid the tranſlator, "underſtand the Greek?" "No," ſaid the other. "Then," replied Wolfius, "we are even; and we ſhall, I believe, "have many companions in our ignorance." The grave editor's remark, that, "although the ſpeech take its title from *Macartatus* or "*moſt happy*, yet it makes the interpeter *moſt miſerable*, and although it "relate to the inheritance of *Hagnias*, a name ſignificative of *purity*, "yet the text of it is by no means *pure*," may ſhow with how bad a grace a ſcholar attempts to be witty. I confeſs, that the whole compoſition appeared to me more obſcure than the oracles which are cited in it; until I perceived, before I had even ſeen the Leipzick edition, that the tenth ſpeech of Iſæus was delivered in a previous cauſe concerning the ſame eſtate; that it was compoſed by the great maſter in defence of the very Theopompus, whom his illuſtrious pupil afterwards attacked ſo vehemently; and that the two ſpeeches, though each of them apart was

was extremely dark, reflected ſo ſtrong a light on each other, that both became perfectly luminous. The account, which I ſhall now give, of the numerous family, in which ſuch cauſes aroſe as employed the firſt advocates of Greece, will include a commentary on both their ſpeeches, and neceſſarily compriſe an explanation of ſeveral heads in the laws of Solon.

BUSELUS, a burgeſs of Œon, was father of five ſons, among whom he diſtributed his property; and they became the heads of as many diſtinct branches, which continued to flouriſh and ſpread themſelves, till HAGNIAS died childleſs, and, though an attempt was made to prove the contrary, inteſtate. His fortune was not much more than ſix hundred pounds; but no fortune ever gave birth to ſo much litigation, and, conſequently, to ſo much knavery. Two very different ſtories are told concerning the merits of the firſt claimants; one, which the reader will recollect, by Iſæus in the perſon of Theopompus, and another by Demoſthenes in the perſon of Soſitheus, who married Phylomache, the ſecond of that name. If we believe Theopompus, who does not appear in a very favourable light, Hagnias actually made a will in favour of his niece, with a ſubſtitution to Glauco after her death; but he gives no particular account, how Phylomache, if the will was valid, was able to obtain a ſentence againſt Glauco, and to diſpoſſeſs him: Soſitheus, on the other hand, aſſerts, that the will was proved to be a forgery, and that the whole was the contrivance of Theopompus himſelf, who gave the principal evidence for Glauco, and a brother of his, named Glaucus. It is agreed, that Theopompus afterwards commenced a ſuit againſt Phylomache, and ſucceeded in it; but Iſæus aſcribes his ſucceſs to the ſuperiority of his title, while Demoſthenes imputes it to an artifice by which the jury were circumvented; for he avers, that the two half-brothers of Hagnias, deſigning to aſſiſt Theopompus in their turn, joined with him and one Eupolemus in

in claiming the eſtate; that the archon, therefore, permitted the claimants to ſpeak four times as long as the defendant, for each of them had the ſame quantity of water in his clepſydra: that the confederates gave falſe evidence for one another, and told a number of groſs lies, which Phylomache's advocate had not time to refute; that the jurymen were perplexed and divided; but that Theopompus gained his cauſe by a very ſmall majority.

The next ſuit, which the fortune of Hagnias produced, was the information againſt Theopompus, for whom Iſæus wrote his tenth ſpeech; and in that alſo (whether juſtly or not we ſhall afterwards examine) he had a verdict in his favour; for, after his death, we find his ſon, the younger Macartatus, in poſſeſſion of the diſputed eſtate; and it is he, againſt whom the huſband of Phylomache ſet up a claim for the third Eubulides: what was the event of this laſt ſuit, it is impoſſible to diſcover with certainty; but, in order to fix with tolerable accuracy the reſpective merits of all the claimants, I ſhall recapitulate the Athenian laws of inheritances and deviſes, comparing them, as I proceed, with thoſe of ſome other nations, ancient and modern, and ſhall thence take occaſion to illuſtrate the nine preceding ſpeeches of Iſæus.

I ſhall firſt review the laws of heirſhip by proximity of blood; and, ſecondly, the laws of heirſhip by appointment, which was either by adoption during life, or by teſtamentary diſpoſition; and, under the laſt head, I ſhall conſider firſt how wills were made at Athens, and next how they were revoked.

I. Had Hagnias died leaving only male iſſue, his ſons would have taken equal ſhares of his inheritance, like heirs in gavelkind; a law no leſs favourable to that juſt balance of property which Solon meaned to eſtabliſh, than the law of primogeniture is agreeable to the military

ariſtocracies,

ariſtocracies, in which it has prevailed; but there was another principle in the Athenian government, which, without counteracting the ſpirit of equality, kept the partibility of eſtates within proper limits; for, as the moſt expenſive offices were filled by men of a certain cenſus, it was highly expedient that there ſhould always be a number of citizens moderately rich, who might contribute to the publick charges, without being too much elevated by opulence above the common level. Hence proceeded the complaints againſt men, who had diſſipated or aliened an eſtate, out of which gallies uſed to be furniſhed, and entertainments provided.

Thus, in the ſixth ſpeech, Thraſyllus urges with vehemence, and even calls witneſſes to prove, that the fortune of Apollodorus, which was known to have contributed largely to the naval expenſes, had been reduced to nothing by the negligence and profuſion of his adverſaries; and he afterwards declares the duty of a good citizen to conſiſt in preſerving his eſtate, and in paying his contributions with alacrity: ſo, in the tenth, Theopompus guards againſt any ſuſpicion of having aliened a certain farm with a view to an exemption from ſerving the publick offices; and, in the third fragment, the guardian cenſures his ward for having ſold and diſperſed his patrimony, which he might have rendered ſerviceable to his country and honourable to himſelf. Now, as theſe accuſations were attended with very ſerious ill conſequences to thoſe who deſerved them, as moſt of the Athenians were animated by a true ſpirit of patriotiſm, and as a gentleman, proud, poor, and idle, was a monſter unknown in their ſtate, I cannot help conſidering the law of partible inheritances as not only the moſt natural, but at Athens even the wiſeſt, and the law of primogeniture as a great evil introduced into ſome countries for the prevention of greater. It were ſuperfluous to add, as the ſubject has been exhauſted by others, an enumeration of the many illuſtrious nations, who have ſhown no preference to the firſt-born, or

or to difcourfe, after Selden and the Mifna, on the double portion of the Hebre ws: but it may be neceffary to obferve, that the fucceffion *in ftirpes* prevailed, moft probably, at Athens in the defcending line, as it certainly did in the collateral: thus, had Bufelus died worth five talents, leaving his fons Cleocritus, Stratius, Hagnias, Habron, and the children only of his fon Eubulides, each of the four fons would have taken one talent, and Philager, Euctemon, Calliftratus, reprefenting their father, would have fucceeded to twenty minas each. This would have occafioned a fubdivifion of the fortune left by Bufelus; but the induftry of his grandfons, incited and rewarded by the fpirit of the conftitution, would foon have raifed their property to a juft height, as a well almoft exhaufted by too large draughts is quickly and plentifully fupplied by the fpring.

II. If Hagnias had left iffue male and female, the fons would have taken equal fhares of his eftate, but muft have affigned fuitable portions to their fifters: thus if Sofitheus had died worth three talents, Eubulides, whom he had emancipated, would have been entitled to no part of them, but Sofia, Meneftheus, and Calliftratus, would have received each a talent, and muft have contributed to their fifter's fortune; and thus, on the death of the firft Hagnias, his only fon Polemo would have inherited his whole eftate, but muft have given Phylomache in marriage with a portion conformable to his inheritance: what fhare of it was in this manner transferred to the fifters, I cannot determine; but am inclined to think that the affignment of it was left to the affection and liberality of the brothers. It was reckoned highly difgraceful to be ungenerous on thefe occafions; and, in the fpeech on the eftate of Ariftarchus, the complainant recommends himfelf to the favour of the jury, by informing them, that, *although his poffeffions were inconfiderable, he had given his fifter in marriage with as handfome a portion as he could fpare.* Befides, a fufpicion of illegitimacy was caft upon girls, who were married

married with a ſmall fortune in proportion to the eſtate of their fathers; thus, when Pyrrhus left three talents, and his daughter Phila was taken by Xenocles with a thouſand drachmas only, there was great reaſon to believe, and Iſæus warmly contended, that her huſband knew her to be illegitimate, ſince he married her *without even a tenth part of her paternal eſtate:* but here I cannot help diſſenting from *Perizonius*, who ſeems to have collected from this paſſage, that the tenth part of the inheritance was the uſual portion given to ſiſters among the Athenians, as it was among the Hebrews; for I find no trace in the other ſpeeches of any fixed rule; and even, in the very cauſe to which I have juſt alluded, *eighteen* minas, or the tenth part of three talents, would have been thought a moderate portion out of an inheritance, which at Athens was eſteemed conſiderable; but Phila had not near ſo much; and it happened, that the fortune of a thouſand drachmas, which ſhe received from her brother by adoption, was exactly the νοθεῖα, or *baſtard's part*, which was uſually allotted to an illegitimate child. It is probable, that the portion was often adapted to the circumſtances of the huſband; for twenty minas were given to Stratocles, and as many to Theopompus, with their reſpective wives, whence the latter proves the ſcantineſs of his own fortune, urging that *ſo ſmall a ſum would not have been given to a man of large poſſeſſions*; and the huſband, indeed, was commonly bound in the προικῷον, or *marriage ſettlement*, to aſſign a part of his own eſtate of equal value at leaſt with the portion, as a ſecurity for its being reſtored to the perſon who gave it, in caſe either of a divorce or of the wife's death without iſſue; and the property thus ſettled was diſtinguiſhed, like all other hypothecated eſtates, by ſmall columns and inſcriptions, called ὅροι, erected on the land, or affixed to the houſes, and containing a ſpecification of the ſum for which they were pledged. This method, which reſembled the *donatio propter nuptias* of the ancient Romans, appears more ſimple than our modern *ſettlements*; and, as the Athenian ἀποτιμήματα or *hypothecations* were open and notorious,

rious, like our old feoffments, they seem to have provided for the issue of the marriage no less effectually than the estates in strict settlement so strongly tied by our conveyancers; but, as to the fortunes of daughters, our trusts and long terms, over which our courts of equity have so ample a jurisdiction, secure a provision for them with more determinate exactness than the law of *Athens*; where however it is reasonable to believe, that the Archon could compel the sons to assign competent portions.

In this place I cannot forbear mentioning an instance in our own law, where justice, reason, and fair analogy, are not yet, as I apprehend, completely disengaged from the shackles of feudal strictness. The celebrated rule, that, "wherever an estate of freehold is given to the ancestor, and a subsequent limitation is made, in the same conveyance, "to his *heirs* or the *heirs of his body*, he shall take in the first case a "fee-simple, and in the second, a fee-tail," has certainly prevailed for near five hundred years; and, as it is not only venerable on account of its antiquity, but has been the basis of most titles in the kingdom, let us hope that it will prevail for as many centuries more, without caring whether it was originally contrived, that the lord might not lose his wardship, relief, and other profits of his seignory, or whether it was designed to facilitate the alienation of property, and to prevent the inconvenience of leaving the fee in abeyance; or, lastly, whether it only means that, in general, those who take by the *name* of heirs, must take in the *capacity* of heirs, that is by descent, and consequently that their ancestor must have a descendible estate. Whatever might have been the reason of the rule (and each of the just-mentioned reasons is supported by great authorities), it could only have been a subsidiary or suppletory rule, calculated to ascertain the intention of parties, where other evidence of intention was either wanting or doubtful: but, where the meaning is clear beyond a shadow of doubt, that the persons described as

as heirs are not to take in that quality, and especially where hardships and contradictions would follow such a construction, the rule ought in sense and reason to give way, or rather it ought not to be called in aid, when the intent is plain without it. Let us therefore suppose that, in consideration of an intended marriage, the father of the wife settles an estate *upon the husband for his life, remainder to the wife for her life, remainder to the heirs of his body on her to be begotten:* no man can harbour a doubt of the intention to secure a provision for the issue of the marriage; yet what can restrain the parents from levying a fine or suffering a recovery? What can hinder the husband from aliening the estate, dissipating the money arising from it, like Xenænetus in the eighth speech of Isæus, and leaving his children in extreme indigence? Had articles only been made *before* marriage in the same words, or had there been both articles and a settlement referring expresly to them, equity would have made the husband tenant for life with remainder in tail to the issue; but, if there had been no executory agreement, and only a deed executed, I do not know that any court would interfere, or even incline to give relief on the ground of mistake, the parties having inadvertently used words, which carry an estate-tail, when they clearly intended a strict settlement; yet if the intent be not indubitable, a court of equity ought not to depart from the technical import of the terms even in articles, and, if it be unquestionable, a court of law, one would imagine, ought to give it efficacy over artificial words, even in a deed; nor would respectable authorities be wanting, if this were the place for producing them, to prove, that "the words *heirs* or *heirs of the body*, "are not to be construed as words of limitation, either in a will or in a "deed, when the intention of the testator or of the parties is plainly de- "clared, or manifestly appears, that they shall be construed as words "of purchase." This question, indeed, is not likely to arise on a marriage-settlement, in which it is usual to give estates for life to the parents, with contingent remainders in tail to the first and every other son, after

after the interpoſition of truſtees to preſerve them; but I have ſeen ſettlements in the form above ſuppoſed; and I thought this digreſſion proper enough in comparing the laws of England with thoſe of Athens, to which we will now return.

If the brother was an infant, and the ſiſters marriageable, it may naturally be imagined, that the guardian allotted their portions out of his ward's eſtate; and we find, that the four daughters of Stratocles were married with handſome fortunes during the guardianſhip of their uncle Theopompus: thus it appears, in the fourth cauſe, that Dicæogenes gave the ſiſter of the complainant to Protarchides, with a houſe in Ceramicus worth forty minas; a large portion, if we conſider the many ſhares into which the eſtate had been divided, and the inhuman conduct of Dicæogenes towards his couſins.

It may ſeem ſtrange that the law of SOLON, mentioned by Plutarch, which prohibited the φερνὴ or *portion* (as it is commonly rendered), and ordained "that a bride ſhould *bring* in marriage no more than three "robes and ſome utenſils of ſmall value," ſhould in leſs than two centuries be fallen totally into diſuſe, eſpecially as all Solon's ordinances had been made perpetual after the archonſhip of Euclid by the law of Diocles; but, although the words φερνὴ and προὶξ be generally uſed as ſynonymous, yet *Petit* with great reaſon ſuppoſes that they were different: the legiſlator could never have forbidden the latter, or the *fortune* given by heirs with their female relations, for which his inſtitutions carefully provided; but, as the luxury of new-married women in apparel, trinkets, and furniture, had become exceſſive, he gave a ſeaſonable check to it by reſtraining the φερναὶ or *bridal preſents* to three robes and a few moveables. Thus, when Ciron gave his daughter to Nauſimenes with twenty-five minas, *together with clothes and ſome little ornaments of gold*, the money appears to have been the προὶξ, and the reſt, what was properly

properly called φερνή; although the motive aſſigned by Plutarch for Solon's regulation, namely, that he would not have marriage conſidered as a vile traffick for gain, but as a contract founded on affection, and intended for purpoſes beneficial to the ſtate, might have induced him to aboliſh or limit both the one and the other. At the ſame time I am aware, that the ἐξώπροικα of the more modern Greek juriſts were, probably, the ſame with the παράφερνα, *or goods over and above the portion*, which are mentioned by Ulpian in the Digeſt, and from which our term *paraphernalia* is apparently borrowed; but, on the whole, I am perſuaded that there was a diſtinction between the two words in the ancient Attick dialect. In ſome reſpects the προὶξ itſelf reſembled our paraphernalia, as it was not deviſable by the huſband, nor conſidered as his abſolute property; but it had this further advantage, that it was not liable to the claims of his creditors, even on a deficiency of aſſets.

It will not be foreign from the ſubject, to remark in this place, that the cuſtomary law of the old *Arabians* obliged every brother to give his ſiſter in marriage with a fortune; and that, in order to evade this law, it was uſual among them to contract double marriages, one man taking the ſiſter of another without a portion, and giving his own ſiſter in return on the ſame terms; but this practice, which they called *Shigár*, was declared illegal by Mahomed. The diviſion of an inheritance enjoined in the fourth chapter of the Alcoran is very remarkable; it is there ordered generally, that *a male ſhall have the ſhare of two females*; ſo that, by the Mahomedan rule, Charidemus would have had two thirds, and Phanoſtrate one third, of the eſtate left by their father Stratius: for Selden is miſtaken in ſuppoſing, that each would have ſucceeded to a moiety. Perhaps, this ordinance of the Aſiatick lawgiver was more conſonant to natural juſtice than that of Solon, who ſeems to have made the fortunes of Athenian women too vague and precarious.

III. Let

III. Let us now put the caſe, that Hagnias had died leaving only female iſſue: the next of kin, who would have been entitled to the ſucceſſion, had there been no children, might have claimed the daughters in marriage, together with their inheritance, of which their ſons born in wedlock would have taken poſſeſſion at their full age. If a ſon was left, as in the former caſe, his ſiſter was called ἐπίπροικος or *portioneſs*; but a daughter, who had no brother, was diſtinguiſhed by the name of ἐπίκληρος or *heireſs*; and this I mention, becauſe the latter word occurs perpetually in the ſpeeches of Iſæus. Thus, in the ninth cauſe, when the daughter of Ariſtarchus, on the emancipation of Cyronides, and the death both of Demochares and her ſiſter, became ſole heireſs, her father's brother Ariſtomenes, or, on his refuſal, her firſt couſin Appollodorus might have applied to the Archon, and obtained a decree for taking her in marriage; and, in the ſame manner, Phylomache, the only daughter of Eubulides, was claimed and married by Soſitheus, whoſe title will appear in a ſubſequent part of this commentary. The right of the neareſt kinſman to marry the heireſs was ſo firmly eſtabliſhed, that even the act of her own father could not ſuperſede it; and hence aroſe the moſt iniquitous and intolerable of all the Athenian laws, an odious remnant of the ancient inſtitution, which Solon in part aboliſhed, *that eſtates ſhould remain for ever in the family of the deceaſed*; for we learn from the ſecond ſpeech, that even if a father had given his daughter in marriage to a perſon whom he approved, yet, if he died without legitimate ſons, the next of kin might take her from her huſband and marry her himſelf, and Iſæus mentions it as a known fact, that many men had by this law been deprived of their wives; but Petit was clearly deceived in imagining, that the ſame law prevailed, when the father had *deviſed* his property together with his daughter; for in that caſe the next heir was wholly excluded. Yet farther; when the unjuſt guardian Ariſtomenes, in defiance of the law, gave his niece without her eſtate, and with *a portion only*, to the father of the complainant,

plainant, and when her husband afterwards applied to her kinsmen for the inheritance, to which she was intitled, and which they illegally possessed, they compelled him to desist from his claim by threatening to dissolve his matrimonial union, and to demand his wife for one of them, as her nearest relation.

Nothing can be conceived more cruel than the state of vassalage in which women were kept by the polished Athenians, who might have boasted of their tutelar goddess Minerva, but had certainly no pretensions on any account to the patronage of Venus. All unnecessary restraints upon love, which contributes so largely to relieve the anxieties of a laborious life, and upon marriage, which conduces so eminently to the peace and good order of society, are odious in the highest degree; yet at Athens, whence arts, laws, humanity, learning, and religion are said to have sprung, a girl could not be legally united with the object of her affection, except by the consent of her κύριος or *controller*, who was either her father or her grandsire, her brother or her guardian: their *domination* over her was transferred to the husband, by whom she was usually confined to the minute details of domestick economy, and from whom she might in some instances be torn, for the sake of her fortune, by a second cousin, whom probably she detested; nor was her dependence likely to cease; for we may collect from the speech on the estate of Philoctemon, that even a widow was at the disposal of her nearest kinsman, either to be married by him, or to be given in marriage, according to his inclination or caprice. Yet more; a husband might bequeath his wife, like part of his estate, to any man whom he chose for his successor; and the mother of Demosthenes was actually left by will to Aphobus, with a portion of eighty minas: the form of such a bequest is preserved in the first speech against Stephanus, and runs thus:—"This is the last "will of Pasio the Acharnean. I give my wife Archippe to Phormio, "with a fortune of one talent in Peparrhethus, one talent in Attica, a "house

" house worth a hundred minas, together with the female slaves, the " ornaments of gold, and whatever else may be in it." For all these hardships, which the Athenian women endured, a very poor compensation was made by the law of Solon, which ordered their husbands to sleep with them three times a month.

Whether the fairer, but weaker, part of our species should, in well-ordered states, succeed to an entire inheritance, and dispose of it as their passion or fancy prompts them, may admit of some doubt; and we find on this point a remarkable diversity in the laws of different nations, and of the same nation in different ages; on which subject Perizonius has written a learned dissertation. The most ancient suit, perhaps, of which any account remains, was that instituted by the five daughters of Zelophehad, who died without sons, for *a possession among the brethren of their father*: they gained their cause; and it was thenceforth a rule among the Jews, that " if a man died, having no son, his inheritance " should go to his daughter;" but when it was remonstrated, that, if Mahla, Noa, Hagla, Milca, and Tirza, were to marry the sons of other tribes, their inheritance would be taken from the tribe of their father, the divine legislator answered, *Let the daughters of Zelophehad marry whom they think best; only in the family of their father's tribe let them marry*; and if Solon had made no other restriction, his ordinance would have been more conformable to nature and reason; but the narrow policy of keeping an estate confined in a single family can be justified by no good principle whatever.

The pagan Arabs, although divided into tribes, had no such restraint upon their natural inclinations; for there is not a more common topick in their ancient elegiack poems than the separation of two lovers by the removal of the tents belonging to their respective tribes, which were not connected, like those of the Hebrews and Greeks, by any regular bond of

of union, but feem to have been diftinct and independent communities: as their inftitutions, indeed, were perfectly military, they excluded women, who were unable to ferve in their wars, from all right of fucceffion to property; but *Mahomed*, like another Juftinian, abolifhed this law of his countrymen, and ordained exprefsly, *that females fhould have a determinate part of what their parents and kinfmen left, whether it were little or whether it were much*, allowing a double portion to the males, *on account*, fays he, *of the advantages which God has given them over the other fex*.

Among the early inhabitants of *Rome*, both males and females were permitted to inherit the poffeffions of their anceftors; and this appears to have been the law of the twelve tables, which were derived in part from the inftitutions of Solon; but the middle jurifprudence, departing from the old fimplicity fo favourable to legiflation, admitted fifters only to a fraternal inheritance, and rejected all other female relations from the agnatick fucceffion, as if they had been perfect ftrangers, till the Prætorian equity mitigated this rigour by degrees; and Juftinian, whofe benevolence in this refpect has been highly commended, reftored the Decemviral law, with fome additional directions of his own. The feudal law, like that of the old Arabians, and from the fame principle of military policy, generally excluded daughters, unlefs there had been a fpecial inveftiture of their father in favour of them; and it is almoft fuperfluous to mention the ftrictnefs of the *Salick* feudifts, who preferred one fex to the total exclufion of the other: our own laws obferve a medium between their feverity and the latitude of the imperial conftitution.

IV. If we fuppofe that Hagnias had left neither fons nor daughters, but grandchildren only, fome difficulties may arife in adjufting the divifion of his inheritance: there might have been grandfons alone, or grand-

granddaughters alone, or both grandſons and granddaughters; and if they had all been the children of one ſon or one daughter, I conceive that the three preceding rules are exactly applicable to theſe three caſes; for it is certain, that, in the deſcending line, no diſtinction was made at Athens between a title conveyed through a female or through a male, as there was in Rome, till the new ordinances relaxed the ancient ſtrictneſs. This appears evidently from the ſecond ſpeech, where Iſæus repreſents it as impoſſible for Endius to have been ignorant, that, had Phila been the only legitimate daughter of Pyrrhus, *her children would have ſucceeded to their grandfather's whole eſtate*; and this was the very title of *Ciron's* grandſons; for the writer of the Greek argument to the ſeventh ſpeech was unqueſtionably miſtaken in ſuppoſing the cauſe to be *ſtrong in equity but weak in law*, and in imagining that the orator moſt artfully ſuppreſſed the rule concerning *the preference given to thoſe who claim through males*; a rule which did not relate to lineal deſcendants, as we learn with certainty from the ſpeech on the eſtate of Apollodorus: had the ſecond Phylomache, therefore, died before her father Eubulides, her four ſons and daughter would have been, on his death, in the ſame ſituation, as if they had been his children. We may next conceive, that BUSELUS had ſurvived his five ſons, and then died, leaving as many talents to be diſtributed among all their iſſue: it is probable, that *Oenanthe* would have taken, as heireſs, the ſhare of her father Cleocritus; and that the daughter of Habron alſo would have had one talent; ſecondly, that Charidemus and Polemo would have taken each a fifth part of the inheritance, giving marriage-portions reſpectively to their ſiſters; and thirdly, that the remaining talent would, as I remarked before, have been divided equally among the three ſons of Eubulides; and thus, if Charidemus had been dead, the great-grandſons Theopompus, Stratocles, and Stratius would have received each of them a third part of his allotment, or twenty minas; and, had Polemo been gone, his talent would have deſcended to HAGNIAS with the ſame obligation to give his

his ſiſter a fortune: in fact the inheritance of Hagnias was two talents and fifty minas, ſo that Buſelus muſt have left fourteen talents and ten minas, or above three thouſand pounds ſterling, unleſs we ſuppoſe, that his ſon Hagnias, and his grandſon Polemo, had augmented their fortune by diligence or parſimony.

I muſt here obſerve, that I have no certain authority for this ſucceſſion *in ſtirpes* to a grandfather's eſtate at Athens: it is clear, indeed, from the ſixth ſpeech of Iſæus, that *a daughter ſhared her paternal inheritance equally with a grandſon by another daughter deceaſed*; but if the firſt Hagnias had ſurvived both Polemo and Phylomache, I cannot ſee what claim Eubulides II. could have made to his property, except on a ſuppoſition, that the grandchildren ſucceeded *in capita*; for he could have gained nothing by repreſenting his mother, who was herſelf no *heireſs*, but a *portioneſs* only, and would have been wholly excluded by her brother.

There is a difficult paſſage in the ſpeech on the eſtate of PHILOCTEMON, which relates to the queſtion now before us, and which ſeems to have been imperfectly explained by *Deſiderius Heraldus*, whoſe *Animadverſions on Salmaſius*, although equal in virulence to the invectives of Milton, are a very rich mine of learning on the ſubject of *Attick* and *Roman* law. His words are theſe: " The ἐπιδικασία or *conteſt for* " *marrying an heireſs*, took place, not only if one or more daughters " were left without a brother, but alſo if one of them remained ſingle, " after their father had given the reſt in marriage; as we may fairly " collect from the ſpeech of Iſæus on the inheritance of *Philoctemon*, " where it appears, that Euctemon had left ſeveral daughters, one of " whom was unmarried, *together with a ſon who ſurvived him*; and " that a man, who called himſelf their neareſt kinſman, claimed this " daughter, whoſe ſhare of Euctemon's eſtate was become liable to " conteſt. Now that Euctemon had ſeveral daughters, and that one of " them

" them was unmarried, is evident from the ſpeech; and the following " paſſage alludes to the ἐπιδικασία: *Obſerve too the aſſurance of Androcles, " who firſt claimed for himſelf the daughter of Eučtemon, as if ſhe had been " the heireſs, and inſiſted on his right to a fifth part of the property, as if it " had been liable to litigation, yet has now averred that Eučtemon left a " legitimate ſon. Has he not by this clearly convičted himſelf of having " given falſe evidence? He certainly has; for, had a ſon of Eučtemon " begotten in wedlock been living, his daughter could not have been heireſs, " nor could the eſtate have been open to controverſy.* By theſe words he " impeached the proteſtation of Androcles, who aſſerted the right of " Antidorus to Eučtemon's inheritance, as his legitimate ſon, but had " himſelf demonſtrated the falſity of his own averment, by claiming the " unmarried daughter of the deceaſed as her next of kin, together with " a *fifth* part of the eſtate (we muſt ſuppoſe that *four* daughters were " married), which he could never have done, had a legitimate ſon of " Eučtemon been alive; ſince, in that caſe, the daughters were ex-" cluded from the ſucceſſion, and received portions from their father or " their brother." How plauſible this appears! but Iſæus expreſsly tells the court, that Eučtemon had only *two* daughters, the widow of Chæreas, who had one daughter, and the wife of Phanoſtratus, who had two ſons: now Ergamenes, Hegemon, and Philočtemon all died without iſſue before their father, and we muſt imagine, when we are examining the claim of Androcles, that the laſt of them had no ſon by adoption or will; in which caſe, if the wives of Chæreas and Phanoſtratus took as *daughters* and heireſſes of Eučtemon, each of them would have been entitled to a *moiety* of his fortune, or, if the ſecond daughter had been alſo dead, her ſhare would have been divided between Chæreſtratus and his brother; but I am inclined to believe, that they claimed as *repreſentatives* of their three brothers, and it will preſently be ſhown in the proper place, how the widow, whom Androcles demanded in marriage, might have had a right to no more than a *fifth* part of the inheritance.

V. In

V. In regard to the *melancholy ſucceſſion*, as it was juſtly called, of parents to the poſſeſſions of their deceaſed children, there has been a great variety in the ordinances or cuſtoms of ancient and modern nations both in Europe and Aſia. The Jewiſh law of inheritances depended almoſt wholly on the following rules, 1. The children of the deceaſed ſucceeded to his property, and, on failure of them, his father inherited. 2. The heir being dead, he was repreſented by his iſſue. 3. Males were preferred to females in equal degrees. If Soſitheus, therefore, had been a native of Judea, his eſtate would have deſcended to his four ſons, the eldeſt, *Soſia*, taking his double ſhare; but if all of them had been dead without children, the daughter would have taken the whole: ſhe dying childleſs, the property would have aſcended to *Soſia* I. the father of Soſitheus; and his heir would have been traced exactly in the ſame manner; that is, the brothers of the deceaſed would have ſucceeded as parceners, but the eldeſt would not have been entitled to a double portion: on default of brothers and their iſſue, the ſiſters would have been called to the ſucceſſion; and, none of them or their children being alive, the inheritance would have gone up to Calliſtratus the grandfather, if living; or, if not, to his ſons, the uncles of Soſitheus, and their iſſue, or, on failure of that line, to the aunts; but, had they too been dead without children, and had the great-grandfather Eubulides I. been alive, it would ſtill have aſcended to him, or devolved upon Philager and Euctemon the great uncles, and the heirs of their bodies; and they alſo failing, it would have been inherited by the other ſons of the anceſtor Buſelus, and their deſcendants repreſenting them, ſo as to be diſtributed, according to the ſtocks, among all the agnatick branches, the half-blood and the maternal relations being wholly rejected. Theſe rules of deſcent, which are conciſely laid down in the book of Numbers, and fully explained in the *Miſna*, have the merit of extreme ſimplicity; and are in truth no more than limitations to all the anceſtors ſucceſſively, and the heirs male of their bodies, with remainders to their iſſue

iſſue female, in the ſame manner as the children of the perſon deceaſed inherit his eſtate, but without the ſame regard to primogeniture.

At Athens, as well as at Jeruſalem, the mother was excluded from the inheritance of her ſon: this we learn from the ſpeech on the eſtate of Hagnias, where Theopompus mentions the claim ſet up for the *mother of the deceaſed*; *a relation*, he admits, *the neareſt of all by nature*; *but not recogniſed by law among the degrees of ſucceſſion*; and he prevailed, accordingly, by the ſuperior ſtrength of his title. There is, indeed, another part of the ſame ſpeech, which might lead us at firſt to imagine, that ſhe was only poſtponed to all the heirs on the paternal ſide, and that ſhe took an equal ſhare with a brother of the half blood; but the preceding paſſage is expreſs, that ſhe was not admiſſible to the inheritance; and it may be remembered, that ſhe bore a double relation to Hagnias, both as his mother and his ſecond couſin; for ſhe was the ſiſter of Stratius, and the *ſoror conſanguinea* of Theopompus himſelf.

The Decemviral law, which ſeems in this inſtance to have been borrowed from that of *Solon*, excluded mothers from the right of ſucceſſion to their children; but this rigour was mitigated by the lenity of the Prætors, who ſometimes gave relief, on the ground of proximity, by their edicts *Unde Cognati*; and Claudius Cæſar would not ſuffer a mother to be deprived of the ſmall conſolation, which the fortune of her deceaſed ſon could afford her. It appears from the ſpeech of Cicero for A. Cluentius, that, by the municipal law of *Larinum*, a borough-town of Italy, the poſſeſſions of Avitus would have gone to his mother Saſſia, if he had died inteſtate; but the law of the twelve tables prevailed at *Rome*, till after the ſubverſion of the republick: the amendment of that unnatural ſtrictneſs was begun by the juſt-mentioned Emperor, promoted by the *Senatus conſultum Tertullianum* in the time of *Hadrian*, and completed, with ſome reaſonable reſtrictions, by the Juſtinianean code.

Our

Our ſtatute of diſtributions, which was penned by a civilian, and in ſome meaſure reſembles the Roman law, gives the perſonal effects of inteſtate, who die without wife or iſſue, to his mother, as well as his father, in excluſion of their other children; and the ſtatute of James the Second, like the novel conſtitutions, ordained, that the mother ſhould take an equal ſhare with the brothers and ſiſters, and the repreſentatives of them: but the principles of the feudal policy, from which our ſyſtem of real property was derived, made it impoſſible for lineal anceſtors to inherit; and, although our Henry the Firſt, like the emperor Claudius, reſtored the right of ſucceſſion in the aſcending line, yet the old rigour ſtill prevails in England, as the ſame rule, drawn from the ſame ſource, obtains alſo in France. Whether a ſimilar maxim was adopted by the ancient *Arabs*, to whoſe military inſtitutions it ſeems agreeable, I have no certain knowledge; few monuments of that people remaining, except their wild ſongs on the ſubjects of love and war; but *Mahomed* expreſsly ordered, that "even if a man left a child, his parents "ſhould have each of them a ſixth part of his poſſeſſions; that, if he "died childleſs, his mother ſhould take a third part, or if he had "brethren, a ſixth, after payment of his debts and legacies:" as a reaſon for this ordinance he adds, "You know not whether your parents "or your children confer upon you the greater benefit." The ſucceſſion of aſcendants might have been repugnant to the very eſſence of feuds; but our laws would have been more natural, as well as convenient, if the tranſmiſſion of all property had been directed by nearly the ſame rules, and the diſtinction between lands and goods had been left to philoſophical analyſts and ſpeculative lawyers.

The maxim in *Littleton* prohibited only the *lineal* aſcent of an inheritance; but at Athens the *collateral* aſcendants alſo were excluded from the ſucceſſion; and this appears to have been the reaſon, why, if no teſtamentary guardian had been appointed, the Archon uſually gave the guardianſhip

guardianſhip of the infant heir to his uncle, in conformity to the law of *Solon*, which directed that *none ſhould be nominated guardians, who would inherit the eſtate on the death of the minor*; an ordinance, which confirms the wiſdom of our common law. When the heir had ſeveral uncles, the magiſtrate choſe one of them according to his diſcretion: thus *Dinias* was appointed guardian to his nephews, the grandſons of Polyarchus; for, although on failure of their paternal and maternal kinſmen within the limited degrees, he might by poſſibility have ſucceeded *jure agnationis*, yet ſo remote a contingency was not conſidered; and guardians are expreſsly named by the old grammarians among the χηρωσαὶ or *diſtant relations*, by whom Phænops complains in Homer that his poſſeſſions would be divided, ſince his two ſons, Xanthus and Thoön, had periſhed in battle. Ariſtomenes, for the ſame reaſon, was nominated guardian to his brother's children; and here we may take occaſion to illuſtrate or correct the rule as to the marriage of heireſſes to their neareſt kinſmen, *who, if they had not been living, would have inherited the eſtate*; for the orator ſays, that Ariſtomenes had the option *either to take his niece himſelf* or demand her in marriage for his ſon; ſince if ſhe had been dead, the fortune of Ariſtarchus would have devolved upon him, Cyronides having been previouſly emancipated: but no ſmall difficulty ariſes from the ſecond ſpeech, in which it is ſaid more than once, that, if Phila had been a legitimate child, and neither of her couſins would have married her, ſhe might have been claimed by Lyſimenes, or Pylades, or Chæron, who, if they were the maternal uncles of Pyrrhus, as I firſt imagined, could not poſſibly have been his heirs, and, if they were his paternal uncles, muſt have been poſtponed to all his kinſmen, as far as the ſecond couſins, both on his father's and on his mother's ſide; ſo that we muſt ſuppoſe, either that he had no ſuch kinſmen, or that the rule before laid down is erroneous, and that an heireſs might be claimed by her relation in the *neareſt degree*, whether he could have inherited the eſtate or not.

The

The perpetual exclufion of the maternal uncle from the right of fucceffion, would naturally induce the Archon to appoint him guardian to his fifter's fon; but, if any juft exception could be made to him by the mother herfelf or any other friend, he might certainly be fuperfeded: thus Diocles, a man accufed of the blackeft crimes, obtained the guardianfhip of his nephew, by intimidating his fifter, and preventing her from oppofing his claim; but Thudippus, who had been at variance with his brother Euthycrates, and was even fufpected of having occafioned his death, was not thought a fit perfon to manage the affairs of young *Aftyphilus*, whom the magiftrate therefore committed to the care of his father-in-law Theophraftus.

In the fourth fpeech we fee this delicate and important office given to Dicæogenes III. who moft infamoufly abufed his truft, and who, if his father Proxenus was really uncle to the deceafed, muft have been *propior fobrinus*, or *oncle à la mode de Bretagne*, as the French exprefs that relation, or *Welch* uncle, as we fometimes call it, to his ward Cephifodotus and the other complainants; whence it may be inferred, that he was not within the degrees of fucceffion; but this point I cannot determine with pofitive certainty.

Among other articles of a guardian's duty at Athens, he was required by the law to let the eftate of the minor to the beft advantage, taking good fecurity from the leffees for the payment of the rents; for which purpofe the guardian prefented a *petition*, and a jury was chofen to eftablifh by their verdict the propriety of the tranfaction: but a very remarkable paffage in the fifth fpeech of Ifæus, fhows how negligently this duty was performed; for, when the affociates of Alce, who had a complete afcendant over old Euctemon, falfely fet forth in their petition, that her two baftards were the adopted fons of Philoctemon and Ergamenes, and that they were teftamentary guardians of the infants, praying that

that their eſtates might be let to farmers, the court not only neglected to call for proofs of thoſe allegations, but proceeded as of courſe, and would actually have delivered the property of Chæreſtratus to a vile ſet of impoſtors, if ſome of his friends had not ſeaſonably been informed of the confederacy. It is probable, indeed, that, when the proclamation was made, the crier called upon all perſons intereſted, to ſhow cauſe why the land or houſes ſhould not be let; but they ſhould have had longer notice; and the whole paſſage is ſo difficult, that the more I reflect on the nature and conſequences of ſuch a conſpiracy, the leſs I underſtand, how it could ultimately have availed the conſpirators; nor is it poſſible, that ſuch a tranſaction could long have been kept ſecret at Athens, where ſo flagrant an inſult on publick juſtice would have been puniſhed with the laſt ſeverity. *Heraldus*, who of all modern juriſts has made the beſt uſe of Iſæus, comments at large on this paſſage, but expreſſes ſome little doubt of its true meaning: his interpretation, however, coincides in general with mine; and I incline to agree alſo with Petit, who conceives that the eſtates of minors were let in the month of September, or the beginning of the Attick year, when the old leaſes uſually expired; at which time, as he aſſerts, the courts of juſtice were ſupplied with their proper *complement* of jurymen, whence he explains the words of my author, "as ſoon as the courts were full," which Heraldus tranſlates, *proximis judiciis et frequenti foro*. I may add, that a ſentence in the eighth book of *Pollux* favours the notion of Petit; but the inveſtigation of theſe minute points belongs properly to notes.

It appears from many paſſages of my author, as well as from the elegant ſpeech of Lyſias againſt Diogiton, and the known caſe of Demoſthenes himſelf, how frequently and ſcandalouſly the Athenian guardians injured their wards: thus Archedamus, who aſſiſted APOLLODORUS as his advocate and adviſer, gained two decrees by a great majority againſt Eupolis, who had defrauded his nephew of above ſix hundred

hundred pounds; while the conduct of Dicæogenes and of Diocles was still more iniquitous. At the age of sixteen a ward might compel his guardian to account by a suit brought in his own name; and Demosthenes proceeded against Aphobus in his seventeenth year; but it seems to have been doubtful, whether, during his minority, he could have maintained a civil action against his guardian for an estate, to which he was entitled; for, when Theopompus complained that he was cruelly and unnecessarily harassed with an εἰσαγγελία or *publick prosecution*, and urged, as an argument in his favour, that the friends of young Stratocles had not regularly claimed his moiety of the inheritance, they answered, that a *minor could not bring a civil action against his guardian:* this he denied, and challenged them to produce the law, by which such an action was forbidden; nor does there seem, indeed, any good reason for such a prohibition. Had it been really as they contended, yet Theopompus intimated an ingenious mode of obtaining justice: "let a petition, says "he, be presented to the Archon, that the estate may be let to farm, "and then will the lessee have a right to commence a suit against me, "if I refuse to give him possession."

VI. As Hagnias in fact died childless, his brothers, the sons of Polemo, would have inherited his possessions together, and their children would have succeeded *to the shares of their fathers*, by the express words of Solon, to the exclusion, I imagine, of the sisters; and, if none of his brothers or their children had been living, the sisters would have been called to the succession; but as the legislator has not said that the children of sisters should succeed to the shares of their mothers, it is natural to conclude, that they took *in capita*; and this is the only way, in which I am able to solve the difficulty in the speech on the estate of Philoctemon, where it appears that Androcles claimed the widow of Chæreas with a *fifth* part of the inheritance; for she would have been entitled to a greater share as heiress either of her father or of her brothers, unless we

we ſuppoſe, that the property of Euctemon was divided in equal proportion among the *two* ſiſters and their *three* children. Had Phanoſtratus and his wife been dead, leaving only one ſon, and had the other ſiſter been ſingle or childleſs, the eſtates of her brothers, dying inteſtate and without iſſue, would have gone in moieties to Chæreſtratus and his aunt, according to the caſe of Thraſybulus, who took an equal ſhare with the wife of Pronapis, of the fortune left by his uncle the ſon of Eupolis; but it ſeems probable, that if the wife of Æſchines had been alive, ſhe would have been entitled to a *third* part of the inheritance.

Thus, on the death of DICÆOGENES, his four ſiſters and all their children ſeem to have had a title to equal portions of his eſtate; for Menexenus and Cephiſodotus are ſaid expreſsly to have claimed the ſame ſhare with their couſin, who ſpoke in the cauſe, and *whoſe* ſiſter (for I adopt the emendation propoſed by Reiſke) is alſo ſaid to have been entitled equally with her mother. Theſe rights were variouſly blended by the intermarriages of the firſt couſins; and here it may be obſerved, that a brother was permitted at Athens, as we learn from the ſeventh ſpeech of Iſæus, to marry the daughter of his father, not of his mother; but I recollect no Athenian law by which a man was reſtrained from marrying the ſiſter of his wife, a contract forbidden by the Alcoran, and commonly ſuppoſed to be prohibited by the eighteenth chapter of *Leviticus:* my opinion on that ſubject, which I have had no reaſon to change, has already been made publick by my much-lamented friend Mr. ALLEYNE, whoſe virtues, learning, and talents promiſed no leſs honour to himſelf than advantage to his country. We might here enumerate thirty caſes, in which the poſſeſſions of a perſon deceaſed were diſtributable at Athens to his ſons or daughters, brothers or ſiſters, or their children, ſeverally or in concurrence; but, if a diſtinction be made between thoſe who claim through females and thoſe who derive their title through males, the number will amount to ninety-ſix; and in all the poſſible

poſſible caſes, the reſpective claims may, I think, eaſily be adjuſted by the help of the preceding rules.

VII. I now proceed to the couſins of Hagnias, and muſt begin with remarking, that Solon made an eſſential difference between them and the lineal deſcendants of a perſon deceaſed, or his brothers and ſiſters and their children; for the preference to males and the iſſue of males was applied to couſins only, and *M. Auger* is certainly miſtaken in ſuppoſing that nieces or the children of nieces were poſtponed to nephews or their ſons. The grammarian, who wrote the Greek arguments to Iſæus, fell into the ſame error; although the diſtinction is fully explained by the orator himſelf in the ſixth ſpeech; where he ſays, "that the law gives "the ſiſter and the ſiſter's ſon an equal ſhare of their father's and their "brother's fortune: but that when a couſin dies, or any kinſman in a "remoter degree, the male relations are called to the ſucceſſion before "the female; for it is enacted, that males and the children of males, "if any be living, ſhall be preferred, although they are leſs nearly re-"lated to the deceaſed." The children, therefore, of *Ciron's* daughter had a better title than his nephew, whether he was a brother's or a ſiſter's ſon; and the fine reaſoning of Iſæus on that point was, indeed, as he intimates himſelf, almoſt ſuperfluous; but the ſiſter of Stratius II. who ſtood in the ſame degree of relation to Hagnias with Theopompus, was wholly excluded from the ſucceſſion: thus, if APOLLODORUS had died without having appointed an heir, his eſtate would have deſcended to Thraſybulus, his firſt couſin once removed, in preference to the wife of Pronapis, who was nearer by one degree; but as he waived his right and admitted the adoption of Thraſyllus, the female couſin and her huſband ſet up a claim to the inheritance.

The Attick laws preſerved by Demoſthenes, and the recitals of them in Iſæus, mutually correct and explain each other: thus the law of in-heritances

heritances in the ſpeech againſt Macartatus is ſupplied by the opening of the ſpeech on the eſtate of Hagnias; and the paſſage above cited from my author muſt be amended from the compoſition of his immortal pupil, by adding the words *provided that they belong to the ſame branch*; on which proviſo the title of young Eubulides ſolely depended. *M. Auger* has tranſlated this paſſage in the following manner: "males and "the children of males ſhall have the preference, provided that they "ſtand in the ſame degree, and be not farther removed;" but he unqueſtionably miſunderſtood it; and the article of *ſucceſſions*, indeed, is the leaſt perfect of any in his valuable work.

Few words in the Greek and Latin languages are more vague than thoſe, which expreſs the different relations of ἀνεψιότης or *couſinage*; but I muſt leave a preciſe interpretation of them to philologers, and be contented here with obſerving, that, in Iſæus and Demoſthenes, ἀνεψιοὶ always mean the ſons of brothers and ſiſters, or *firſt* couſins, whoſe children, or the *ſecond* couſins, were called ἀνεψιαδοὶ by the Athenians, and by the Romans, *ſobrini*; which laſt relation both Eubulides II. by his father Philager, and the three ſons of Charidemus, bore to Hagnias, whoſe property was in diſpute. A firſt couſin *once removed* was alſo diſtinguiſhed by the name of ἀνεψιαδοῦς, or ſon of the ἀνεψιός: thus Cleon and ASTYPHILUS were firſt couſins; and the ſon of Cleon was ἀνεψιαδοῦς to the deceaſed, but not, I believe, converſely; although the ſons of Aſtyphilus and of Cleon would have been reciprocally ἀνεψιαδοὶ to each other. The attentive reader muſt have anticipated my remark, that Cleon would have been heir at law to his firſt couſin, if his father Thudippus had not been adopted by another family; and this was the title of Hagnon and Hagnotheus to the eſtate of NICOSTRATUS: thus, on the death of Hagnias, the ſon of his aunt Phylomache was entitled to the ſucceſſion; for, although he derived his relation to the deceaſed through a female, yet Theopompus, who claimed wholly through

through males, *belonged to a different branch* or family, namely, to that of Stratius I.; and Wolfius, as Perizonius obſerves, was miſtaken in ſuppoſing that Theopompus had the better title. Had a *brother* of Polemo, indeed, left a ſon, he would have excluded Eubulides, and not only he, but *his* ſon too, *although in a remoter degree*, would have been preferred. On failure of firſt couſins and their children, the *ſecond* couſins on the father's ſide were admitted to the inheritance, which they took, as in their own right, *in capita*; although the firſt couſins once removed would have taken *in ſtirpes*, as repreſenting their fathers: ſo Theopompus, Stratocles, Stratius, Eubulides, and Meneſtheus, would have ſucceeded to *fifth* parts of the eſtate, the daughter of Calliſtratus being rejected, as well as Stratonides, the ſon of Oenanthe; but Theopompus, the only ſurviving ſecond couſin, would have been entitled to the whole, if Eubulides had not borne a double relation to Hagnias, one part of which Iſæus very artfully ſuppreſſes. As to the claim ſet up by the ſon of Stratocles, it ſeems to have been incapable of ſupport; for, although there be ſome little variation in the different copies of the law, yet we may ſafely conclude, that the children of ſecond couſins were not within the legal degrees of ſucceſſion; and ſo the court at Athens determined, for Theopompus died in poſſeſſion of the whole fortune.

No ſecond couſins being alive, the half-blood was admitted in the ſame order; that is, the brothers and ſiſters, nephews and nieces, on the mother's ſide, or, on failure of them, the firſt couſins and their children, and, laſtly, the ſecond couſins, but no farther; for, if no maternal kinſmen exiſted within thoſe degrees, the *agnati*, or next of kin on the paternal ſide, were the heirs at law; and their proximity was traced by counting the degrees from the common anceſtor: thus, if Theopompus too had been gone, the half-brother *Glauco* would have ſucceeded; or, he being dead without iſſue, the maternal firſt couſins or iſſue of Stratius II. and, perhaps, of Theopompus and Stratocles. I muſt here again mention a moſt difficult paſſage in the tenth ſpeech,

to

to which I before alluded. It is there ſaid expreſsly, that, "if Glauco "had relinquiſhed his claim, the *mother of him and of Hagnias* might "then have juſtly entered into litigation for the property of her ſon; "and, as ſhe would have diſputed with perſons by no means admiſſible "to the ſucceſſion, ſhe would clearly have obtained a ſentence for the "moiety, both law and natural juſtice conſpiring in her favour." Now the mother of Hagnias was his ſecond couſin on the father's ſide; and, as ſuch, would have been entitled to his inheritance on failure of *males* in the ſame degree, to the excluſion, as one would have imagined, of the half-blood: how then could her ſon Glauco have claimed before her? What occaſion had ſhe to wait for a waiver of his right? Was a female paternal ſecond couſin poſtponed to a *frater uterinus* by the words of the law, which gave a preference to males? The more I conſider this paſſage, the more it perplexes me; and I have not yet found any ſatisfactory ſolution of the difficulty.

I will cloſe this ſection with obſerving, that, if the preceding interpretation of the laws be right, and males were only preferred *in the ſame branch*, the title of the ſecond Phylomache was better than that of Theopompus, who muſt, therefore, as Demoſthenes aſſerts, have gained a verdict in his favour by ſome contrivance or ſurpriſe.

VIII. I have all along proceeded on a ſuppoſition that the heirs of a perſon deceaſed were *legitimate children*, who are defined by the firſt Attick law to be thoſe *born in wedlock of a woman duly betrothed*; but the thirteenth law, which excluded baſtards from *the ſucceſſion to ſacred or civil rights*, muſt have been re-enacted after the time of Solon, who was appointed legiſlator one hundred and eighty years before the archonſhip of Euclid. We have already obſerved that his laws were made only for a century, and, though they were all perpetuated by Diocles, yet that concerning *baſtards* is ſaid to have been revived by *Pericles* and *Ariſtophon*, who added to the definition of legitimacy, that *both*

both parents muſt be citizens; and this point we ſee carefully proved in the fragment of the ſpeech for Euphiletus. The laws of the Greek iſlands, however, ſeem to have differed in this reſpect from thoſe of Athens; for in Ægina, as we learn from Iſocrates, the illegitimate ſiſter of Thraſylochus inſtituted a ſuit againſt his deviſee, who, inſtead of reſting his defence on her inability to inherit, was ſatisfied with proving the will, and diſcourſing at large on the friendſhip which had ſubſiſted between him and the deceaſed.

I come now to the ſecond part of my commentary, in which I propoſed to explaint he modes of *appointing* an heir among the Athenians, on failure of *natural* heirs or lineal deſcendants.

I. Frequent mention is made by the Grecian orators of *deſolate heritages*, as they are called by ISAIAH: now a family was conſidered as ἐξηρημωμένος or *become deſolate*, when the laſt occupier of an eſtate left no ſon by nature or by appointment, who might perform holy rites at his tomb, preſerve his race, and, by tranſmitting his name to a perpetual chain of ſucceſſors, confer on him a kind of immortality. As this idea muſt have been extremely pleaſing to men, whoſe views of a better life were rather faint glimmerings of hope than well-founded expectations, they were very early indulged with the power of *adopting* ſons: hence, as Iſæus obſerves in the ſixth ſpeech, "all they, who thought their end "approaching, took a provident care that their families might not "become extinct; and if they had no heirs by birth, yet they left ſons "at leaſt by adoption." The preſervation of names might have been one reaſon for the preference given to males in the Attick laws of ſucceſſion; and it is very remarkable, that, both in Hebrew and Arabick, the word for a male implies *remembrance*, and that for a female, *oblivion*; but this diſtinction would not have exiſted, if it had been enacted, that the

the husband of an heiress should either assume the name of her ancestor, or give it to one of his sons: even in our own country, and in very modern times, we see a number of devises to men *on condition* that they take the names of the devisors, or to women, *provided that* they marry persons of a particular name; such has been the fondness of mankind, in most ages and nations, for the jingle of empty sounds! At Athens children were named on the tenth day after they were born, as on the *lustrical* day of the Romans; and male infants, as we see in the pedigree of Hagnias, usually received the names of their grandfathers, or some compounds of them, a method recommended in the laws of Plato. Thus one would have thought, that the son of Oenanthe should have been called *Cleocritus*, and that the name of *Stratonides* should have been given to a grandson of Stratius; but parents were at liberty to impose names as they pleased; and Sositheus in Demosthenes mentions the motives which induced him to call his four sons, Sosias, Eubulides, Menestheus, and Callistratus. Female children also were frequently named after their grandmothers: thus the name of Phylomache descended to her grand-daughter; and the uncles of PYRRHUS asserted, that he gave his daughter Phila the name of his own mother *Clitareta*, which would have been a strong argument for her legitimacy. This custom was useful in keeping the branches of a family distinct, especially as males were preferred only in the same branch; and it was forcibly urged against Theopompus, that neither his brethren nor his ancestors bore the name of *Hagnias*, or of *Eubulides*, nor any similar to them, such as Hagnon, Hagnotheus, or Eubulus; while the other two branches were equally clear of any name like that of Stratius, from whom he descended: it may be worth while to add, that a change of names often took place at Rome, as M. Brutus, who had been adopted by his uncle, is named Q. Cæpio Brutus in a decree of the senate; but it was usual, on some occasions, to alter the termination only, as Octavius, after the death

death of his adopter C. Cæſar, was called *Octavianus*; and, for a ſimilar reaſon, one of Cicero's letters is addreſſed to T. *Pomponianus* Atticus.

The publick intereſt alſo was greatly concerned in preventing the deſolation of heritages; for it was expedient, that eſtates, which contributed to defray the general expenſes, ſhould be preſerved as long as poſſible; and this mode was preferable in a free government to the laws of eſcheats and fiſcal claims to vacant inheritances: hence we find, that SOLON directed the chief magiſtrate to prevent the total extinction of families; and hence, if a man died inteſtate and childleſs, it was incumbent on the next heir to emancipate one of his own ſons or near relations, and appoint him, by a kind of adoption, ſon to the deceaſed, together with his name and a conſiderable portion of his eſtate. Thus, on the death of Apollodorus the ſon of Eupolis, one of his ſiſters ought to have given her own ſon both his name and part of his fortune; but, as this duty was neglected by the wives of Pronapis and Æſchines, their firſt couſin took care to adopt Thraſyllus, whilſt he lived; and the ſpeech on the eſtate of APOLLODORUS is ſo clear and full a commentary on this method of adoption *during life*, that it were quite ſuperfluous to write more diffuſely on the ſubject: a few obſervations, however, may be added without impropriety.

Both at Athens, as we learn from Iſæus, and at Rome, as A. Gellius informs us, an adopted ſon acquired all the rights, both ſacred and civil, and ſucceeded to all the advantages and burdens, of the new family into which he was introduced; nor was he conſidered in any other light than that of a ſon by nature born in lawful wedlock, whence the orator aſks, "how Philoctemon could have died without a child, when he had "actually adopted his nephew;" but all pretenſions whatever to the inheritance of his natural father were wholly loſt by adoption or emancipation: thus Cleon was firſt couſin to ASTYPHILUS, but as his father

father had been adopted by another perſon, he no longer bore any relation to the deceaſed; yet, if Thudippus had left a ſon in the houſe of his adopter, and returned, as he lawfully might, into his ancient family, and if Cleon had been born after that return, either he or his ſon would have been heir to Aſtyphilus, in preference to the half-brother. A maternal inheritance, indeed, was not loſt by adoption; for the father only was changed: ſo, when Thraſybulus was adopted by Hippolochides, he ſtill retained and aſſerted his title to the eſtate of his mother's brother, a moiety of which he actually received; and he would have taken, as male couſin, the whole fortune of Apollodorus, if the adoption of Thraſyllus had been illegal.

When the adopted ſon died without children, and conſequently without having returned to his natural family, the poſſeſſions of the adopter deſcended to his right heirs; as, on the deceaſe of Endius, the ſiſter of PYRRHUS demanded and obtained his eſtate, the illegitimacy of Phila and the legality of the adoption being clearly proved: had Phila been legitimate, it appears from the pleadings in the cauſe, that an adverſe poſſeſſion of *twenty* years would not have barred her title; and we muſt ſuppoſe, that the limitation of *five* years related only to actions brought, and not to *proteſtations* or *entries* made by lineal deſcendants, who took poſſeſſion, if they pleaſed, without inſtituting a ſuit for their inheritance. The ſpeech of Demoſthenes, in the cauſe between *Ariſtodemus* and *Leochares*, contains a great deal of curious learning concerning adoptions; for the principal queſtion was, *whether an adopted ſon could himſelf adopt another*, and the argument of Demoſthenes, who maintained the negative, was in ſubſtance this: "An adopted ſon cannot "*deviſe* the property acquired by adoption, for Solon gave the power of "deviſing only to *unadopted* citizens; he cannot, therefore, by *adopting* "a ſon, give him a right to the ſame property, for a deviſe is in fact a "ſpecies of adoption, and both kinds were prohibited together; beſides, "there

"there cannot be two adopted ſons at the ſame time; and the law per-"mits the return of the firſt in one caſe only, that is, when he leaves a "legitimate ſon of his own in the family of the perſon who adopted "him." As to the other queſtion, *who was heir at law to Archiades*, there was no kind of difficulty in it: for the complainant deſcended from a *brother*, and was therefore preferred by the expreſs words of the law to the iſſue of a *ſiſter*; but how Ariſtoteles could be conſidered as heir to Leocrates, who was related to him in the *ninth* degree of the civilians, I am at a loſs to determine: there are many other dark paſ-ſages in the ſpeech, which I leave to the interpreters of Demoſthenes, it being my ſole buſineſs at preſent to illuſtrate Iſæus. One thing only I may remark with *M. Auger*; that no objection was taken to the adoption of Leocrates, becauſe the ſuppoſed adopter had never been married; and I at firſt thought with him, that *the adopted ſon muſt neceſſarily have been a genuine citizen*; but the fragment in defence of *Euphiletus* ſeems to prove, that foreigners were ſometimes adopted, unleſs we ſuppoſe, as I think we may, that Iſæus was there ſpeaking of *ſuppoſititious*, not of adopted, ſons. The true end and eſſential conditions of an adoption at *Rome* are explained with admirable perſpicuity by Cicero, in his noble ſpeech *for the reſtitution of his Palatine houſe*, in which he proves that *Clodius* had been illegally adopted: it appears from that whole buſineſs, that a Roman, properly qualified in other reſpects, might adopt a man of a different rank from himſelf; but ſuch an adop-tion, it ſeems, was forbidden by the laws of *Ægina* and *Siphnus*, either during life or by teſtament, whence Iſocrates takes pains to ſhow, that the deviſee of Thraſylochus was *a citizen inferiour to none of the Siph-nians*, and educated in the ſame manner with his friend.

II. The power of deviſing property, which SOLON introduced at Athens but two hundred years before the birth of Demoſthenes, is next to be conſidered; and the preceding ſpeeches evidently ſhow how much

much litigation and impoſture followed the introduction of it; an objection, indeed, which lies in ſome degree againſt the laws of ſucceſſion; for, when NICOSTRATUS was dead, there appeared no fewer than ſeven falſe claimants of his eſtate by a variety of fictitious titles. I cannot aſcribe the deſtruction of Athenian liberty to this alteration made in the ancient law, and am inclined to doubt the *fact* of its having produced exceſſive wealth in ſome citizens, whilſt others were impoveriſhed: there are many inſtances in the Greek orators of perſons, who had ſucceeded, as heirs, to ſeveral eſtates; but the diſadvantages and odium, which attended an exceſs of riches, were conſiderably greater at Athens than the benefits or pleaſure ariſing from affluence. Various cauſes contributed to the ſubverſion of the Athenian ſtate: had Philip never exiſted, or been leſs ambitious, had Hyperides and Demoſthenes underſtood the art of war as well as that of rhetorick, had the gold of Perſia and Macedonia been leſs powerful, and the abettors of tyranny leſs aſſiduous, Athens might have continued to flouriſh in ſplendour and freedom, whether Solon's inſtitution had taken place, or the former ſtrictneſs had prevailed. Plutarch, indeed, whoſe judgement is highly to be reſpected, aſcribes the decline of the Spartan government to a ſimilar relaxation of the old ſeverity by the law of *Epitadeus*, which permitted a deviſe of lands or goods from the natural heir, in oppoſition to the ordinance of LYCURGUS, which prohibited any alienation of them; and he imputes even the propoſal of ſuch a law to a motive of reſentment or of covetouſneſs; for *Epitadeus*, ſays he, was a proud ſeditious man, and had quarrelled bitterly with his own ſon; but the permiſſion given by him to alien an eſtate at all, and not merely to leave it by will, was the evil of which the hiſtorian complains; for, when moſt of the inheritances in Lacedæmon had been transferred from the lawful heirs, there remained only ſeven hundred genuine citizens, among whom not more than one hundred were in poſſeſſion of lands: yet, if the Athenian ſilver had not found its way into *Sparta*, the law would have been innocent,

innocent, although leſs expedient in a military, than in a commercial, nation.

Whether the law of Solon was politick or not, it had the merit of conciſeneſs and ſimplicity, and the ſtudent may not be diſpleaſed to compare it with the ſtatute of our Henry the Eighth, who certainly was not a Solon: but it would be foreign from my deſign to diſcourſe upon it at large, much leſs to ſubjoin a treatiſe on deviſes, or to analyſe every word in the well-known definition of *Modeſtinus*. So many books have been written upon wills by civilians and common lawyers, that the ſubject is almoſt exhauſted, and the paſſages in my author, where mention is made of them, are ſo clear as to require very little explanation: it will be ſufficient, therefore, to conclude this commentary, as I at firſt propoſed, with a few remarks on the execution and revocation of an Athenian will. I have already obſerved, that the *appointment* of an heir by a man's laſt teſtament was regarded at Athens as a mode of *adopting* a ſon; and of this teſtamentary *adoption*, for ſo the Greek orators call it, we have ſeveral examples in Iſæus: thus the deviſe of *Philoctemon* is treated all along as an adoption; but his power to deviſe or adopt in the lifetime of his father is ſomewhat queſtionable, ſince in fact he nominated a repreſentative of himſelf as ſon of Euctemon. His power, however, being admitted, let us examine the manner in which it was exerciſed. We may take notice in the firſt place, that, although *Cato* the *Cenſor* repented of his having paſſed *a ſingle day without a will*, yet the old Athenians were not ſo provident; for they commonly deferred the execution of their wills, till they were impelled by the apprehenſion of ſome approaching danger: thus, when *Apollodorus* was on the point of ſailing with the army to *Corinth*, he left his eſtate, in caſe of his death, to the daughter of *Archedamus*; and it was argued by the ſon of Theophraſtus, that, ſince *Aſtyphilus*, who was a ſoldier by profeſſion, had made no will before his campaigns in the *Corinthian* and *Theban* wars, it

it was very improbable that he ſhould have choſen to make one, juſt before his adventure to *Mitylene,* in which he was leſs expoſed to peril. Theopompus alſo, whoſe buſineſs it was to inſiſt, that *Hagnias* had deviſed his fortune to Glauco, mentions, as a reaſon why he deviſed it at all, that *he was preparing to ſail on a publick embaſſy*; and Philoctemon is ſaid to have adopted Chæreſtratus by will, leſt he ſhould periſh in one of his frequent expeditions by land or ſea: if, in theſe caſes, poſſeſſion of the eſtates had been given to the donees, they would have been complete *donationes mortis cauſâ,* many examples of which may be found in the ancient poets and hiſtorians of Greece; but they ſeem to have been regular deviſes according to the law of Solon. The expreſs words of that law, as well as the common ſenſe of mankind, required that a teſtator ſhould have the full enjoyment of his reaſon and liberty, without which no inſtrument executed by a man can with any propriety be called his *will:* thus it was contended, that Philoctemon's diſpoſition of his property was exactly agreeable to the law, ſince he had no legitimate children, and had been advanced by his fellow-citizens to the higheſt honours on account of his ſuperiour talents; and it was no uncommon dilemma, of which we have examples at the concluſion of the firſt and eighth ſpeeches, "that either no will at all had been made "by the deceaſed, or that, if it had, it was invalid, ſince he could not "have diſinherited his relation, whom he always loved, or adopted a "perſon, whom he always abhorred, without having loſt his ſenſes by "the effects of poiſon or diſeaſe." From this *ſpecious* mode of reaſoning proceeded the *Roman* doctrine of *inofficious* teſtaments, which were ſet aſide on a preſumption of inſanity, or of ſuch caprice as amounted to folly: thus the will of *Æbutius,* who, having two daughters of equal merit, left his eſtate to one of them excluſively of the other, was conſidered as a proof of madneſs.

The power and underſtanding of an Athenian teſtator being indiſputable,

able, he wrote his will in the ſimpleſt and cleareſt manner, and commonly in the following form: "Philoctemon the Cephiſian made this "teſtament. If any accident ſhould befal me, and if my wife ſhould not "be delivered of a child, I give all my eſtate and intereſt to my nephew "Chæreſtratus, whom I adopt as my ſon; and I bequeath one talent to "my wife, together with my houſe at Cephiſia." We may collect from a paſſage in the eighth ſpeech, that it was not abſolutely neceſſary for a will to be atteſted; it was uſual, however, to have witneſſes, and prudent to convene as many friends and relations as could be aſſembled, in whoſe preſence the will was acknowledged by the teſtator, but the contents of it were ſeldom diſcloſed: it was then *ſealed up* for the purpoſe of ſecrecy, and generally committed to the care of ſome kinſman, who was not intereſted in the deſtruction of it, or whoſe integrity was wholly unſuſpected. Thus the teſtament of old *Euctemon* was depoſited with his friend Pythodorus, and that of his ſon with his brother-in-law Chæreas; and the pretended will of *Aſtyphilus* was ſaid to have been left in the cuſtody of his uncle Hierocles; but the Athenian wills were ſometimes placed, for greater ſecurity, in one of the publick temples, a method frequent alſo at Rome; and the will of Cleonymus was, probably, ſecured in this manner, ſince, when he wiſhed to cancel it, he ſent Poſidippus for the ἀστυνόμος or *Ædile*, who had the care of all the great buildings at Athens. Notwithſtanding theſe precautions, a number of forged wills were continually ſet up; and, notwithſtanding the wiſe proviſions of the law, as great a number were obtained by improper influence; but, though the profligacy of the Athenians has been aſcribed to the form of their government, yet, if we conſider the multitude of forgeries and impoſitions of the ſame kind, which almoſt every circuit in England brings to light, we ſhall be forced to confeſs, that the people of Attica were profligate, not *becauſe* they had a popular government, but *although* they had it; and we muſt look for another ſource of their wickedneſs and of our own, which I conceive to be

this;

this; that, "in artificial ſociety, money ſoon acquires a value incon-"ſiſtent with virtue and honeſty."

There is a vein of juſt reaſoning on the evidence of wills in the ſpeech on the eſtate of *Nicoſtratus*, whoſe teſtament, as well as that of *Aſtyphilus*, appears to have been forged; but he muſt be an unſkilful advocate, who cannot make his own caſe plauſible; and, as the arguments on the other ſide are not extant, it is impoſſible for us to decide the cauſes with juſtice: the ſame may be obſerved as to all the queſtions of mere fact, which ariſe in the ſpeeches of Iſæus; but ſo many diſintereſted witneſſes, whoſe depoſitions are preſerved by his pupil, confirm the pedigree of HAGNIAS, that it is equally impoſſible for us to doubt the truth of it.

If PHILOCTEMON had adopted Chæreſtratus in his life-time, an afterborn child would have been coheir with his adopted ſon; but he might have deſired to leave his entire poſſeſſions to his own iſſue; and ſuch an adoption would have been irrevocable, except for the moſt weighty reaſons, whilſt a teſtamentary appointment might be revoked at pleaſure. The revocation of wills was uſually performed at Athens with great ceremony, and in the preſence of a magiſtrate; for thoſe, with whom they had been depoſited, would not ſurrender or unſeal them, except by the authority of the court, leſt they ſhould at any time be charged with having altered them: hence Pythodorus refuſed to give up the teſtament of Euctemon, and, when he was called before the Archon, declared that he could have no wiſh to detain it, but inſiſted, that, as Chæreas was preſent, when Euctemon committed the will to his charge, and as an infant daughter of Chæreas was living, whoſe intereſts might be affected by the revocation of it, he was authorized to keep it, until her guardian or huſband could ſecure him from any trouble on her account; and the court approved of his caution; but the

the will was revoked, it ſeems, by the *publick* declaration of Euctemon, that it was no longer valid.

The ſpeech on the eſtate of Cleonymus clearly ſhows the formality with which a teſtament was reſcinded; and the queſtion on the *virtual* revocation is diſcuſſed with elegance; nor could Iſæus be eaſily anſwered, if the *actual* revocation was in truth prevented by the contrivance of the deviſees, from which both reaſon and juſtice would have forbidden them to derive advantage. I have hitherto purpoſely abſtained from citing *Engliſh* caſes on the important ſubject of deviſes and revocations, becauſe I wiſhed to avoid even the appearance of profeſſional oſtentation, and becauſe the books, in which they may be read, are on the ſhelves of every ſtudent, who will find it an agreeable exerciſe to conſider how theſe Athenian cauſes would have been decided at Weſtminſter; but I cannot help alluding to the caſe of *Burton* and *Gowell* in the thirty-fifth year of Elizabeth, where a man executed a deviſe at Pulham, and afterwards lying ſick at Sterſton, ſaid, "*my will made at Pulham ſhall* "*not ſtand,*" and it was holden that theſe words revoked the will, becauſe the verb apparently future denoted a preſent reſolution, but a declaration of a future intention would not have been ſufficient: ſuch words, however, ſpoken in private, would not have amounted to a revocation at Athens, any more than with us after the ſtatute of frauds.

Before I conclude this commentary, I muſt take notice of a few circumſtances in one or two of the ſpeeches; and, firſt, of a paſſage in that juſt-mentioned, where *Polyarchus* is ſaid to have directed, that, "if his ſon Cleonymus died without iſſue, the eſtate ſhould go to his "grandſons:" now, if this direction had been contained in a will of the grandfather, Cleonymus could hardly have been empowered to deprive the perſons in remainder of their intereſt, ſince the Athenians had not even an idea of eſtates-tail by implication, much leſs of reco-

veries

veries by which thofe entails might be barred; we muft, therefore, fuppofe, that this was only a *defire* or *recommendation* of Polyarchus, which his fon might legally, although not very decently, difregard. Next, it may be remarked, that, in the real teftament of *Philoctemon* and in the pretended one of *Hagnias*, we may difcover the rudiments of thofe *fubftitutions*, which form fo large a part of our modern fyftems: Hagnias is fuppofed to have devifed his property to his niece, and, after her death, to his half-brother *Glauco*, who, when fhe died, entered upon the eftate by virtue of the remainder, which had been vefted in him; but fuch limitations were, I believe, uncommon among the Athenians, whofe jurifprudence was not entangled with the fubtile doctrine of contingent and vefted interefts, or the multitude of perplexing queftions, to which the capricious fancy of teftators, with a little help from conveyancers, has conftantly given birth in England; nor would the ancient courts have fuffered juftice to be impeded by the technical niceties which confined our countrymen, to whom devifes, on their firft introduction, appeared, they faid, of a *marvellous nature*; and a fingle queftion, in the caufe of *Curius* and *Coponius*, which the Roman tribunal decided juftly in one day, was agitated in our courts for near forty years. I check myfelf on the profpect of the vaft field, into which this fubject would lead me, remembering, that it is the fole duty of a commentator to illuftrate his author; and the fpeeches of ISÆUS are made, I flatter myfelf, fufficiently clear by the preceding obfervations; although, I confefs, that fome few clouds and dark places are left in them, which more leifure than my late engagements have permitted me to enjoy, might perhaps have enabled me to difperfe and elucidate. I am fully fenfible, that deep refearches into the legal antiquities of *Greece* and *Rome* are of greater ufe to fcholars and contemplative perfons, than to lawyers and men of bufinefs; that Bracton and Littleton, Coke and Rolle, are the proper objects of our ftudy; and that, if a client were to afk his counfel whether he had an eftate for life

life or in tail, he would receive little ſatisfaction from being told, that, whatever eſtate he had, he might deviſe it by the law of *Solon*, provided the deviſee took his daughter in marriage; but the ableſt advocates and wiſeſt judges have frequently embelliſhed their arguments with learned alluſions to ancient caſes; and ſuch alluſions, it muſt be allowed, are often uſeful, always ornamental; and, when they are introduced without pedantry, never fail to pleaſe. So delightful, indeed, is the ſtudy of laws, general and particular, ancient and modern, Aſiatick and European, that even the fine arts are not more alluring; and it is with pleaſure, as well as firmneſs, that I adopt the reſolution of CICERO, which cannot be more forcibly or conciſely expreſſed than in the very words of his letter to *Varro*: "Mihi hæc videntur—ſi nemo utetur "operâ, tamen et ſcribere et legere πολιτείας, et ſi minùs in curiâ atque "in foro, at in literis et libris, ut doctiſſimi veteres fecerunt, navare "rempublicam, et de moribus ac legibus quærere."

THE

MOALLAKÁT,

OR

SEVEN ARABIAN POEMS,

WHICH WERE SUSPENDED ON

THE TEMPLE AT MECCA;

WITH

A TRANSLATION AND ARGUMENTS.

ADVERTISEMENT.

* * * * * * * * *

* * * * * * * * *

THE Diſcourſe will compriſe obſervations on the antiquity of the *Arabian* language and letters ; on the dialects and characters of *Himyar* and *Koraiſh*, with accounts of ſome *Himyarick* poets ; on the manners of the *Arabs* in the age immediately preceding that of *Mahomed*; on the temple at *Mecca*, and the *Moâllakát*, or pieces of poetry *ſuſpended* on its walls or gate ; laſtly, on the lives of the *Seven Poets*, with a critical hiſtory of their works, and the various copies or editions of them preſerved in *Europe*, *Aſia*, and *Africa*.

The Notes will contain authorities and reaſons for the tranſlation of controverted paſſages ; will elucidate all the obſcure couplets, and exhibit or propoſe amendments of the text ; will direct the reader's attention to particular beauties, or point out remarkable defects ; and will throw light on the images, figures, and alluſions of the *Arabian* poets, by citations either from writers of their own country, or from ſuch of our *European* travellers as beſt illuſtrate the ideas and cuſtoms of eaſtern nations.

But

But the *Difcourfe* and *Notes* are ornamental only, not effential, to the work; and, by fending it abroad in its prefent form, the tranflator may reap no fmall advantage, if the learned here or on the Continent will favour him in the courfe of the fummer with their ftrictures and annotations, and will tranfmit them for that purpofe to the publifher. It is hoped, that the war will raife no obftacle to this intercourfe with the fcholars of *Leyden*, *Paris*, and *Madrid*; for men of letters, as fuch, ought, in all places and at all times, to carry *flags of truce*.

A.D. 1783.

NOTE.

The *Genealogical Table* muft be placed immediately before the tranflation, and the page in *Arabick*, before the originals: the fecond plate contains the 32d, 33d, and 34th verfes of *Amriolkais*, with the comment of *Tabreizi*.

THE

POEM

OF

AMRIOLKAIS.

THE ARGUMENT.

THE poet, after the manner of his countrymen, ſuppoſes himſelf attended on a journey by a company of friends; and, as they paſs near a place, where his miſtreſs had lately dwelled, but from which her tribe was then removed, *he deſires them to ſtop awhile*, that he might indulge the painful pleaſure of weeping over the deſerted remains of her tent. They comply with his requeſt, but exhort him to ſhow more ſtrength of mind, and urge two topicks of conſolation; namely, *that he had before been equally unhappy*, and *that he had enjoyed his full ſhare of pleaſures*: thus by the recollection of his paſſed delight his imagination is kindled, and his grief ſuſpended.

He then gives his friends a lively account of his juvenile frolicks, to one of which they had alluded. It ſeems, he had been in love with a girl named *Onaiza*, and had in vain ſought an occaſion to declare his paſſion: one day, when her tribe had ſtruck their tents, and were changing their ſtation, the women, as uſual, came behind the reſt, with the ſervants and baggage, in carriages fixed on the backs of camels. *Amriolkais* advanced ſlowly at a diſtance, and, when the men were out of ſight, had the pleaſure of ſeeing *Onaiza* retire with a party of damſels to a rivulet or pool, called *Daratjuljul*, where they undreſſed themſelves, and were bathing, when the lover appeared, diſmounted from his camel, and ſat upon their clothes, proclaiming aloud, that *whoever would redeem her dreſs, muſt preſent herſelf naked before him.*

They adjured, entreated, expoſtulated; but, when it grew late, they found themſelves obliged to ſubmit, and all of them recovered their clothes except

except *Onaiza*, who renewed her adjurations, and continued a long time in the water: at length ſhe alſo performed the condition, and dreſſed herſelf. Some hours had paſſed, when the girls complained of cold and hunger: *Amriolkais* therefore inſtantly *killed the young camel on which he had ridden*, and, having called the female attendants together, made a fire and roaſted him. The afternoon was ſpent in gay converſation, not without a cheerful cup, for he was provided with wine in a leathern bottle; but, when it was time to follow the tribe, the prince (for ſuch was his rank) had neither camel nor horſe; and *Onaiza*, after much importunity, conſented to take him *on her camel before the carriage*, while the other damſels divided among themſelves the leſs agreeable burden of his arms, and the furniture of his beaſt.

He next relates his courtſhip of *Fathima*, and his more dangerous amour with a girl of a tribe at war with his own, *whoſe beauties he very minutely and luxuriantly delineates*. From theſe love-tales he proceeds to the commendation of his own fortitude, when he was paſſing a deſert in the darkeſt night; and the mention of the morning, which ſucceeded, leads him to *a long deſcription of his hunter, and of a chaſe in the foreſt*, followed by a feaſt on the game, which had been pierced by his javelins.

Here his narrative ſeems to be interrupted by *a ſtorm of lightning and violent rain:* he nobly deſcribes the ſhower and the torrent, which it produced down all the adjacent mountains; and, his companions retiring to avoid the ſtorm, the drama (for the poem has the form of a dramatick paſtoral) ends abruptly.

The metre is of the *firſt* ſpecies, called *long verſe*, and conſiſts of the *bacchius*, or *amphibrachys*, followed by the firſt *epitrite;* or, in the *fourth* and *eighth* places of the diſtich, by the *double iambus*, the laſt ſyllable being conſidered as a long one: the regular form, taken from the ſecond chapter of *Commentaries on Aſiatick Poetry*, is this;

> "Amator | puellarum | miſer ſæ | pe fallitur
> "Ocellis | nigris, labris | odoris, | nigris comis."

THE

The GENEALOGY of the SEVEN ARABIAN POETS.

- ADNÁN.
- Maad.
- Nizár.
  - RABEIÁH.
    - Asad.
    - Jodeílah.
    - Dâamái.
    - Aksái.
    - Heneb.
    - Kásith.
    - Wáyel.
      - TAGLEB.
        - Ganem.
        - Amrú.
        - Hhabeib.
        - Becr.
        - Josham.
        - Zohaír.
          - Morrah.
            - Hháreth.
            - Rabeiáh.
              - Coleib.
              - Maíah *
                - AMRIOLKAIS.
              - Mohalhil.
          - Saad.
            - Attáb.
            - Málec.
            - Celthúm.
            - AMRU.
      - BECR.
        - Yashcor.
          - Cenánah.
          - Dhobyán.
          - Josham.
          - Maad.
          - Abd.
          - Málec.
          - Abdállah.
          - Bodheil.
          - Macrúh.
          - Hhillizah.
          - HHÁRETH.
        - Alei.
          - Saab.
          - Accábah.
          - Thálebah.
          - Kaís.
          - Dhobeiáh.
          - Málec.
          - Saad.
          - Sofyán.
          - Alabd.
          - THARAFAH.
  - MODHÁR.
    - Alyás.
      - Thábekhah.
      - Odd. *
      - Mozeinah.
      - Othmán.
      - Lathim.
      - Hormah.
      - Thúr.
      - Thálebah.
      - Hhiláwah.
      - Mázen.
      - Hháreth.
      - Kerth.
      - Awámer.
      - Reiáhh.
      - Abu Solmai.
      - ZOHAÍR.
    - Gailán.
      - Kaís.
        - Khafásah.
          - Acremah.
          - Mansúr.
          - Hawázen.
          - Becr.
          - Moáwiah.
          - Sásaah.
          - Aamer.
          - Rabeiáh.
          - Celáb.
          - Jáfer.
          - Málec.
          - Rabeiáh.
          - LEBEID.
        - Saad.
          - Gathfán.
          - Raith.
          - Bageidh.
            - DHOBYÁN.
              - Saad.
              - Auf.
              - Morrah.
              - Gaidh.
            - ABS.
              - Katheiah.
              - Galeb.
              - Aud.
              - Makhzum.
              - Nezár.
              - Korád.
              - Moáwiah.
              - Sheddád.
              - ANTARAH.

THE

POEM

OF

AMRIOLKAIS.

1 "STAY—Let us weep at the remembrance of our beloved, *at* "*the ſight of* the ſtation *where her tent was raiſed*, by the edge of "yon bending ſands between DAHUL and HAUMEL,

2 "TUDAM and MIKRA; *a ſtation*, the marks of which are not "wholly effaced, though the ſouth wind and the north have woven "the twiſted ſand."

3 *Thus I ſpoke, when* my companions ſtopped their courſes by my ſide, and ſaid, "Periſh not through deſpair: only be patient."

4 A profuſion of tears, *anſwered I*, is my ſole relief; but what avails it to ſhed them over the remains of a deſerted manſion?

5 "Thy condition, *they replied*, is not more painful than when "thou lefteſt HOWAIRA, before thy preſent paſſion, and her neigh- "bour REBABA, *on the hills of* MASEL."

6 *Yes, I rejoined*, when thoſe two damſels departed, muſk was dif- fuſed from their robes, as the eaſtern gale ſheds the ſcent of clove- gillyflowers:

7 Then guſhed the tears from my eyes, through exceſs of regret, and flowed down my neck, till my ſword-belt was drenched in the ſtream.

8 " Yet haſt thou paſſed many days in ſweet converſe with the " fair; but none ſo ſweet as the day, which thou ſpenteſt by *the pool* " *of* DARAT JULJUL."

9 On that day I killed my camel to give the virgins a feaſt ; and oh ! how ſtrange was it, that they ſhould carry his trappings and furniture !

10 The damſels continued till evening helping one another to the roaſted fleſh, and to the delicate fat like the fringe of white ſilk finely woven.

11 On that happy day I entered the carriage, the carriage of ONAIZA, who ſaid, " Wo to thee ! thou wilt compel me to travel " on foot."

12 She added (while the vehicle was bent aſide with our weight), " O AMRIOLKAIS, deſcend, or my beaſt alſo will be killed."

13 I anſwered : " Proceed, and looſen his rein ; nor withhold from " me the fruits of thy love, which again and again may be taſted " with rapture.

14 " Many a fair one like thee, though not *like thee* a virgin, have I " viſited by night ; and many a lovely mother have I diverted from " the care of her yearling infant adorned with amulets :

15 " When

15 "When the ſuckling behind her cried, ſhe turned round to "him with half her body; but half of it, preſſed beneath my em- "brace, was not turned from me."

16 Delightful too was the day, when FATHIMA at firſt rejected me on the ſummit of yon ſand-hill, and took an oath, which ſhe declared inviolable.

17 "O FATHIMA, ſaid I, away with ſo much coyneſs; and, if thou "hadſt reſolved to abandon me, yet at laſt relent.

18 "If, indeed, my diſpoſition and manners are unpleaſing to thee, "rend at once the mantle of my heart, that it may be detached "from thy love.

19 "Art thou ſo haughty, becauſe my paſſion for thee deſtroys me; "and becauſe whatever thou commandeſt, my heart performs?

20 "*Thou weepeſt*—yet thy tears flow merely to wound my heart "with the ſhafts of thine eyes; my heart, already broken to pieces "and agonizing."

21 *Beſides theſe*—with many a ſpotleſs virgin, whoſe tent had not yet been frequented, have I holden ſoft dalliance at perfect leiſure.

22 *To viſit one of them*, I paſſed the guards of her bower and a hoſtile tribe, who would have been eager to proclaim my death.

23 It was the hour, when the Pleiads appeared in the firmament, like the folds of a ſilken ſaſh variouſly decked with gems.

24 I ap-

24 I approached—ſhe ſtood *expecting me* by the curtain; and, *as if ſhe was preparing* for ſleep, had put off all her veſture, but her night-dreſs.

25 She ſaid—" By him who created me (and gave me her lovely " hand), I am unable to refuſe thee; for I perceive, that the blind-" neſs of thy paſſion is not to be removed."

26 Then I roſe with her; and, as we walked, ſhe drew over our footſteps the train of her pictured robe.

27 Soon as we had paſſed the habitations of her tribe, and come to the boſom of a vale ſurrounded with hillocks of ſpiry ſand,

28 I gently drew her towards me by her curled locks, and ſhe ſoftly inclined to my embrace: her waiſt was gracefully ſlender; but ſweetly ſwelled the part encircled with ornaments of gold.

29 Delicate was her ſhape; fair her ſkin; and her body well proportioned: her boſom was as ſmooth as a mirror,

30 Or like the pure egg of an oſtrich of a yellowiſh tint blended with white, and nouriſhed by a ſtream of wholeſome water not yet diſturbed.

31 She turned aſide, and diſplayed her ſoft cheek: ſhe gave a timid glance with languiſhing eyes, like thoſe of a roe in *the groves of* WEGERA looking tenderly at her young.

32 Her neck was like that of a milk-white hind, but, when ſhe raiſed it, exceeded not the juſteſt ſymmetry; nor was the neck of my beloved ſo unadorned.

33 Her

33 Her long coal-black hair decorated her back, thick and diffuſed like bunches of dates cluſtering on the palm-tree.

34 Her locks were elegantly turned above her head; and the riband, which bound them, was loſt in her treſſes, part braided part diſhevelled.

35 She diſcovered a waiſt taper as a well-twiſted cord; and a leg both as white and as ſmooth as the ſtem of a young palm, or a freſh reed, bending over the rivulet.

36 When ſhe ſleeps at noon, her bed is beſprinkled with muſk: ſhe puts on her robe of undreſs, but leaves the apron *to her handmaids*.

37 She diſpenſes gifts with ſmall delicate fingers, ſweetly glowing at their tips, like the white and crimſon worm of DABIA, or dentifrices made of ESEL-wood.

38 The brightneſs of her face illumines the veil of night, like the evening taper of a recluſe hermit.

39 On a girl like her, a girl of a moderate height, between thoſe who wear a frock and thoſe who wear a gown, the moſt baſhful man muſt look with an enamoured eye.

40 The blind paſſions of men for common objects of affection are ſoon diſperſed; but from the love of thee my heart cannot be releaſed.

41 O how oft have I rejected the admonitions of a moroſe adviſer, vehement in cenſuring my paſſion for thee; nor have I been moved by his reproaches!

42 Often has the night drawn her ſkirts around me like the billows of the ocean, to make trial of my fortitude in a variety of cares;

43 And I ſaid to her (when ſhe ſeemed to extend her ſides, to drag on her unwieldy length, and to advance ſlowly with her breaſt),

44 "Diſpel thy gloom, O tedious night, that the morn may riſe; "although my ſorrows are ſuch, that the morning-light will not "give me more comfort than thy ſhades.

45 "O hideous night! a night in which the ſtars are prevented "from riſing, as if they were bound to a ſolid cliff with ſtrong "cables!"

46 Often too have I riſen at early dawn, while the birds were yet in their neſts, and mounted a hunter with ſmooth ſhort hair, of a full height, and ſo fleet as to make captive the beaſts of the foreſt;

47 Ready in turning, quick in purſuing, bold in advancing, firm in backing; and performing the whole with the ſtrength and ſwiftneſs of a vaſt rock, which a torrent has puſhed from its lofty baſe;

48 A bright bay ſteed, from whoſe poliſhed back the trappings ſlide, as drops of rain glide haſtily down the ſlippery marble.

49 Even in his weakeſt ſtate he ſeems to boil while he runs; and the ſound, which he makes in his rage, is like that of a bubbling cauldron.

50 When other horſes, that ſwim through the air, are languid and kick the duſt, he ruſhes on like a flood, and ſtrikes the hard earth with a firm hoof.

51 He

51 He makes the light youth ſlide from his ſeat, and violently ſhakes the ſkirts of a heavier and more ſtubborn rider;

52 Rapid as the pierced wood in the hands of a playful child, which he whirls quickly round with a well-faſtened cord.

53 He has the loins of an antelope, and the thighs of an oſtrich; he trots like a wolf, and gallops like a young fox.

54 Firm are his haunches; and, when his hinder parts are turned towards you, he fills the ſpace between his legs with a long thick tail, which touches not the ground, and inclines not to either ſide.

55 His back, when he ſtands in his ſtall, reſembles the ſmooth ſtone on which perfumes are mixed for a bride, or the ſeeds of coloquinteda are bruiſed.

56 The blood of the ſwift game, which remains on his neck, is like the crimſon juice of *Hinna* on grey flowing locks.

57 He bears us ſpeedily to a herd of wild cattle, in which the heifers are fair as the virgins in black trailing robes, who dance round *the idol* DEWAAR:

58 They turn their backs, and appear like the variegated ſhells of YEMEN on the neck of a youth diſtinguiſhed in his tribe for a multitude of noble kinſmen.

59 He ſoon brings us up to the foremoſt of the beaſts, and leaves the reſt far behind; nor has the herd time to diſperſe itſelf.

60 He

60 He runs from wild bulls to wild heifers, and overpowers them in a ſingle heat, without being bathed, or even moiſtened, with ſweat.

61 Then the buſy cook dreſſes the game, roaſting part, baking part on hot ſtones, and quickly boiling the reſt in a veſſel of iron.

62 In the evening we depart; and, when the beholder's eye aſcends to the head of my hunter, and then deſcends to his feet, it is unable at once to take in all his beauties.

63 His trappings and girths are ſtill upon him: he ſtands erect before me, not yet looſed for paſture.

64 O friend, ſeeſt thou the lightning, whoſe flaſhes reſemble the quick glance of two hands amid clouds raiſed above clouds?

65 The fire of it gleams like the lamps of a hermit, when the oil, poured on them, ſhakes the cord by which they are ſuſpended.

66 I ſit gazing at it, while my companions ſtand between DAARIDGE and ODHAIB; but far diſtant is the cloud on which my eyes are fixed.

67 Its right ſide ſeems to pour its rain on *the hills of* KATAN, and its left on *the mountains of* SITAAR and YADBUL.

68 It continues to diſcharge its waters over COTAIFA till the ruſhing torrent lays proſtrate the groves of *Canahbel*-trees.

69 It paſſes over *mount* KENAAN, which it deluges in its courſe, and forces the wild goats to deſcend from every cliff.

70 On

70 On *mount* TAIMA it leaves not one trunk of a palm-tree, nor a ſingle edifice, which is not built with well-cemented ſtone.

71 *Mount* TEBEIR ſtands in the heights of the flood like a venerable chief wrapped in a ſtriped mantle.

72 The ſummit of MOGAIMIR, covered with the rubbiſh which the torrent has rolled down, looks in the morning like the top of a ſpindle encircled with wool.

73 The cloud unloads its freight on the deſert of GHABEIT, like a merchant of YEMEN alighting with his bales of rich apparel.

74 The ſmall birds of the valley warble at day-break, as if they had taken their early draught of generous wine mixed with ſpice.

75 The beaſts of the wood, drowned in the floods of night, float, like the roots of wild onions, at the diſtant edge of the lake.

THE POEM OF TARAFA.

THE ARGUMENT.

THIS poem was occaſioned by a little incident highly charaćteriſtick of paſtoral manners. TARAFA and his brother MABED jointly poſſeſſed a herd of camels, and had agreed to watch them alternately, each on his particular day, leſt, as they were grazing, they ſhould be driven off by a tribe with whom their own clan was at war; but our poet was ſo immerſed in meditation, and ſo wedded to his muſe, that he often neglećted his charge, and was ſharply reproved by his brother, who aſked him ſarcaſtically, *Whether, if he loſt the camels, they could be reſtored by his poetry?* "You ſhall be con-"vinced of it," anſwered TARAFA; and perſiſted ſo long in his negligence, that the whole herd was aćtually ſeized by the MODARITES. This was more than he really expećted; and he applied to all his friends for aſſiſtance in recovering the camels: among others, he ſolicited the help of his couſin MALEC, who, inſtead of granting it, took the opportunity of rebuking him with acrimony for his remiſſneſs in that inſtance, and for his general prodigality, libertiniſm, and ſpirit of contention; telling him, that *he was a diſgrace to his family, and had raiſed innumerable enemies.*

The defence of a poet was likely to be beſt made in poetical language; and TARAFA produced the following compoſition in vindication of his charac-ter

ter and conduct, which he boldly juftifies in every refpect, and even claims praife for the very courfe of life, which had expofed him to cenfure.

He glories in his paffion for women, and begins as ufual with lamenting the departure of his beloved KHAULA, or *the tender fawn*; whofe beauty he defcribes in a very lively ftrain. It were to be wifhed, that he had faid more of his miftrefs, and lefs of his camel, of which he interweaves a very long, and no very pleafing, defcription.

The reft of the poem contains an eloge on his own fortitude, fprightlinefs, liberality, and valour, mixed with keen expoftulations on the unkindnefs and ingratitude of MALEC, and with all the common topicks in favour of voluptuoufnefs: he even triumphs on having flain and dreffed one of his father's camels, and blames the old man for his churlifhnefs and avarice. It is a tradition preferved by *Abu Obeida*, that one of the chiefs, whom the poet compliments in the *eightieth* couplet, made him *a prefent of a hundred camels*, and enabled him, as he had promifed, to convince his brother, *that poetry could repair his lofs*.

The metre is the fame with that ufed by AMRIOLKAIS.

THE

THE

POEM

OF

TARAFA.

1 "THE manſion of KHAULA is deſolate, and the traces of it "on the ſtony hills of TAHMED faintly ſhine, like the remains of "blue figures painted on the back of a hand."

2 "*While I ſpoke thus to myſelf*, my companions ſtopped their "courſers by my ſide, and ſaid, "Periſh not through deſpair, but "act with fortitude."

3 Ah! *ſaid I*, the vehicles, which bore away my fair one, on the morning when the tribe of MALEC departed, and their camels were traverſing the banks of DEDA, reſembled large ſhips

4 Sailing from ADULI; or veſſels of *the merchant* IBN YAMIN, which the mariner now turns obliquely, and now ſteers in a direct courſe;

5 Ships, which cleave the foaming waves with their prows, as a boy at his play divides with his hand the collected earth.

6 In

6 In that tribe was a lovely antelope with black eyes, dark ruddy lips, and a beautiful neck gracefully raiſed to crop the freſh berries of ERAC, a neck adorned with two ſtrings of pearls and topazes.

7 She ſtrays from her young, and feeds with the herd of roes in the tangled thicket, where ſhe brouzes the edges of the wild fruit, and covers herſelf with a mantle of leaves:

8 She ſmiles, and diſplays her bright teeth riſing from their dark-coloured baſis, like a privet-plant in full bloom, which pierces a bank of pure ſand moiſtened with dew:

9 To her teeth the ſun has imparted his brilliant water; but not to the part where they grow, which is ſprinkled with lead-ore, while the ivory remains unſpotted.

10 Her face appears to be wrapped in a veil of ſunbeams: unblemiſhed is her complexion, and her ſkin is without a wrinkle.

11 Such cares *as this*, whenever they oppreſs my ſoul, I diſpel *by taking adventurous journies* on a lean, yet briſk, camel, who runs with a quick pace both morning and evening;

12 Sure-footed, firm and thin as the planks of a bier; whoſe courſe I haſten over long-trodden paths, variegated like a ſtriped veſt.

13 She rivals the ſwifteſt camels even of the nobleſt breed, and her hind-feet rapidly follow her fore-feet on the beaten way.

14 In the vernal ſeaſon, ſhe grazes on yon two hills among others of her race, whoſe teats are not yet filled with milk, and depaſ-
tures

tures the lawns, whoſe fineſt graſs the gentle ſhowers have made luxuriantly green.

15 She turns back at the ſound of her rider's voice; and repels the careſſes of a thick-haired ruſſet ſtallion with the laſh of her buſhy tail,

16 Which appears as if the two wings of a large white eagle were transfixed by an awl to the bone, and hung waving round both her ſides:

17 One while it laſhes the place of him, who rides hindmoſt on her; another while, it plays round her teats, which are become wrinkled and flaccid like a leathern bag, their milk no longer diſtending them.

18 Her two haunches are plump, and compact as the two ſmooth valves of a lofty caſtle-gate.

19 Supple is her back-bone: her ribs are like the ſtrongeſt bows; and her neck is firmly raiſed on the well-connected vertebres.

20 The two cavities under her ſhoulders are ſpacious as two dens of beaſts among the wild lotus-plants; and ſtiff bows appear to be bent under her ſinewy loins.

21 Her two thighs are exceedingly ſtrong, and, when ſhe moves, they diverge like two buckets carried from a well in the hands of a robuſt drawer of water.

22 *Her*

22 *Her joints are well knit, and her bones are ſolid,* like a bridge of GRECIAN architecture, whoſe builder had vowed, that he would encloſe it with well-cemented bricks.

23 The hair under her chin is of a reddiſh hue: her back is muſcular: ſhe takes long, yet quick, ſteps with her hind-feet, and moves her fore-feet with agility;

24 She toſſes them *from her cheſt* with the ſtrength and ſwiftneſs of cables firmly pulled *by a nervous arm*; and her ſhoulders are bent like the rafters of a lofty dome:

25 She turns rapidly from the path: exceedingly ſwift is her pace; long is her head; and her ſhoulder-bones are ſtrongly united to her ſides.

26 The white and hollow marks of the cords, with which her burdens have been tied to her back, reſemble pools of water on the ſmooth brow of a ſolid rock,

27 Marks, which ſometimes unite and ſometimes are diſtinct, like the gores of fine linen, which are ſewed under the arms of a well-cut robe.

28 Long is her neck; and, when ſhe raiſes it with celerity, it reſembles the ſtern of a ſhip floating aloft on the billowy TIGRIS.

29 Her ſkull is firm as an anvil; and the bones, which the ſutures unite, are indented, and ſharp as a file.

30 Her cheek is ſmooth and white as paper of SYRIA; and her lips, as ſoft as dyed leather of YEMEN, exactly and ſmoothly cut.

31 Her

31 Her two eyes, like two poliſhed mirrors, have found a hiding-place in the caverns of their orbits, the bones of which are like rocks, in whoſe cavities the water is collected:

32 Thou beholdeſt them free from blemiſh or ſpot, and reſembling in beauty thoſe of a wild-cow, the mother of playful young, when the voice of the hunter has filled her with fear.

33 Her ears truly diſtinguiſh every ſound, to which ſhe liſtens attentively in her nightly journies, whether it be a gentle whiſper or a loud noiſe;

34 Sharp ears, by which the excellence of her breed is known! ears, like thoſe of a ſolitary wild-bull in the groves of HAUMEL.

35 Her heart, eaſily ſuſceptible of terror, palpitates with a quick motion, yet remains firm *in her cheſt* as a round ſolid ſtone ſtriking a broad floor of marble.

36 If I pleaſe, ſhe raiſes her head to the middle of her trappings, and ſwims with her fore-legs as ſwift as a young oſtrich.

37 If I pleaſe, ſhe moves more ſlowly; if not, ſhe gallops, through fear of the ſtrong laſh formed of twiſted thongs.

38 Her upper lip is divided, and the ſofter part of her noſe is bored: when ſhe bends them towards the ground, her pace is greatly accelerated.

39 On a camel like this I continue my courſe, when the companion of my adventure exclaims: "Oh! that I could redeem thee, and "redeem myſelf from the impending danger!"

40 While his ſoul flutters through fear, and, imagining that he has loſt the way, he ſuppoſes himſelf on the brink of perdition.

41 When the people ſay aloud, "Who is the man *to deliver us from calamity?*" I believe that they call upon me, and I diſgrace not their commiſſion by ſupineneſs or folly.

42 I ſhake the laſh over my camel, and ſhe quickens her pace, while the ſultry vapour rolls in waves over the burning cliffs.

43 She floats proudly along with her flowing tail, as the dancing-girl floats in the banquet of her lord, and ſpreads the long white ſkirts of her trailing veſt.

44 I inhabit not the lofty hills through fear of enemies or of gueſts; but, when the tribe or the traveller demand my aſſiſtance, I give it eagerly.

45 If you ſeek me in the circle of the aſſembled nation, there you find me; and, if you hunt me in the bowers of the vintner, there too you diſcover your game.

46 When you viſit me in the morning, I offer you a flowing goblet; and, if you make excuſes, I bid you drink it with pleaſure, and repeat your draught.

47 When all the clan are met to ſtate their pretenſions to nobility, you will perceive me raiſed to the ſummit of an illuſtrious houſe, the refuge of the diſtreſſed.

48 My

48 My companions in the feaſt are youths bright as ſtars, and ſinging-girls, who advance towards us, clad in ſtriped robes and ſaffron-coloured mantles:

49 Large is the opening of their veſts above their delicate boſoms, through which the inflamed youth touches their uncovered breaſts of exquiſite ſoftneſs.

50 When we ſay to one of them, "Let us hear *a ſong*," ſhe ſteps before us with eaſy grace, and begins with gentle notes, in a voice not forced:

51 * When ſhe warbles in a higher ſtrain, you would believe her notes to be thoſe of camels lamenting their loſt young.

52 Thus I drink old wine without ceaſing, and enjoy the delights of life; ſelling and diſſipating my property both newly acquired and inherited;

53 Until the whole clan reject me, and leave me ſolitary like a diſeaſed camel ſmeared with pitch:

54 Yet even now I perceive, that the ſons of earth *(the moſt indigent men)* acknowledge my bounty, and the rich inhabitants of yon extended camp *confeſs my glory*.

55 O thou, who cenſureſt me for engaging in combats and purſuing pleaſures, wilt thou, *if I avoid them*, inſure my immortality?

56 If

56 If thou art unable to repel the ſtroke of death, allow me, before it comes, to enjoy the good, which I poſſeſs.

57 Were it not for three enjoyments, which youth affords, I ſwear by thy proſperity, that I ſhould not be ſolicitous how ſoon my friends viſited me on my death-bed:

58 Firſt; to riſe before the cenſurers awake, and to drink tawny wine, which ſparkles and froths when the clear ſtream is poured into it.

59 Next, when a warriour, encircled by foes, implores my aid, to bend towards him my prancing charger, fierce as a wolf among the GADHA-trees, whom the ſound of human ſteps has awakened, and who runs to quench his thirſt at the brook.

60 Thirdly, to ſhorten a cloudy day, a day aſtoniſhingly dark, by toying with a lovely delicate girl under a tent ſupported by pillars,

61 A girl, whoſe bracelets and garters ſeem hung on the ſtems of OSHAR-trees, or of *ricinus*, not ſtripped of their ſoft leaves.

62 Suffer me, whilſt I live, to drench my head *with wine*, leſt, having drunk too little in my life-time, *I ſhould be thirſty in another ſtate.*

63 A man of my generous ſpirit drinks his full draught to-day; and to-morrow, when we are dead, it will be known, which of us has not quenched his thirſt.

64 I ſee

64 I ſee no difference between the tomb of the anxious miſer, gaſping over his hoard, and the tomb of the libertine loſt in the maze of voluptuouſneſs.

65 You behold the ſepulchres of them both raiſed in two heaps of earth, on which are elevated two broad piles of ſolid marble among the tombs cloſely connected.

66 Death, I obſerve, ſelects the nobleſt heroes for her victims, and reſerves as her property the choiceſt poſſeſſions of the ſordid hoarder.

67 I conſider time as a treaſure decreaſing every night; and that, which every day diminiſhes, ſoon periſhes for-ever.

68 By thy life, my friend, when death inflicts not her wound, ſhe reſembles a camel-driver, who relaxes the cord which remains twiſted in his hand.

69 What cauſes the variance, which I perceive, between me and my couſin MALEC, who, whenever I approach him, retires and flees to a diſtance?

70 He cenſures me, whilſt I know not the ground of his cenſure; juſt as KARTH, the ſon of AABED, reproved me in the aſſembly of the tribe.

71 He bids me wholly deſpair of all the good which I ſeek, as if we had buried it in a gloomy grave;

72 And

72 And this for no defamatory words which I have uttered, but only becaufe I fought, without remiffnefs, for the camels of my brother MABED.

73 I have drawn clofer the ties of our relation, and I fwear by thy profperity, that, in all times of extreme diftrefs, my fuccour is at hand.

74 Whenever I am fummoned on momentous enterprifes, I am prepared to encounter peril; and, whenever the foe affails thee impetuoufly, I defend thee with equal vehemence.

75 If any bafe defamers injure thy good name by their calumnies, I force them, without previous menace, to drain a cup from the pool of death;

76 Yet, without having committed any offence, I am treated like the worft offender, am cenfured, infulted, upbraided, rejected.

77 Were any other man *but* MALEC my coufin, he would have difpelled my cares, or have left me at liberty for a feafon.

78 But my kinfman ftrangles me with cruelty, even at the very time when I am giving thanks for paft, and requefting new, favours; even when I am feeking from him the redemption of my foul.

79 The unkindnefs of relations gives keener anguifh to every noble breaft than the ftroke of an INDIAN cimeter.

80 Permit

80 Permit me then to follow the bent of my nature, and I will be grateful for thy indulgence, although my abode ſhould be fixed at ſuch a diſtance as the mountains of DARGHED.

81 Had it pleaſed the Author of my being, I might have been illuſtrious as KAIS, the ſon of KHALED; had it pleaſed my Creator, I might have been eminent as AMRU, the ſon of MORTHED:

82 Then ſhould I have abounded in wealth; and the nobleſt chiefs would have viſited me as a chieftain equally noble.

83 I am light, as you know me all, and am nimble; following my own inclinations, and briſkly moving as the head of a ſerpent with flaming eyes.

84 I have ſworn, that my ſide ſhould never ceaſe to line a bright INDIAN blade with two well-poliſhed and well-ſharpened edges.

85 A penetrating cimeter! When I advance with it in my defence againſt a fierce attack, the firſt ſtroke makes a ſecond unneceſſary: it is not a mere pruning-ſickle,

86 But the genuine brother of confidence, not bent by the moſt impetuous blow; and, when they ſay to me, "Gently," I reſtrain its rage, and exclaim, "It is enough."

87 When the whole clan are bracing on their armour with eager haſte, thou mayſt find me victorious in the conflict, as ſoon as my hand can touch the hilt of this cimeter.

88 Many a herd of ſlumbering camels have I approached with my drawn ſabre, when the foremoſt of them *awakening* have fled through fear of me :

89 But one of them has paſſed before me, ſtrong-limbed, full-breaſted, and well-fed, the highly-valued property of a moroſe old churl, dry and thin as a fuller's club.

90 He ſaid to me, when the camel's hoof and thigh were diſmembered, " Seeſt thou not how great an injury thou haſt done me ?"

91 Then he turned to his attendants, ſaying, " What opinion do " you form of that young wine-drinker, who aſſails us impetuouſly, " whoſe violence is preconcerted ?"

92 " Leave him, he added, and let this camel be his perquiſite ; " but, unleſs you drive off the hindmoſt of the herd, he will " reiterate his miſchief."

93 Then our damſels were buſy in dreſſing the camel's foal, and eagerly ſerved up the luſcious bunch.

94 O daughter of MABED, ſing my praiſes, if I am ſlain, according to my deſert, and rend thy veſt with ſincere affliction !

95 Compare me not with any man, whoſe courage equals not my courage ; whoſe exploits are not like mine ; who has not been engaged in combats, in which I have been diſtinguiſhed ;

96 With a man ſlow in noble enterpriſes, but quick in baſe purſuits ; diſhonoured in the aſſembly of the tribe, and a vile outcaſt.

97 Had

97 Had I been ignoble among my countrymen, the enmity of the befriended and the friendleſs might have been injurious to me;

98 But their malevolence is repelled by my firm defiance of them, by my boldneſs in attack, by my ſolid integrity, and my exalted birth.

99 By thy life, the hardeſt enterpriſes neither fill my day with ſolicitude, nor lengthen the duration of my night:

100 But many a day have I fixed my ſtation immovably in the cloſe conflict, and defended a paſs, regardleſs of hoſtile menaces,

101 On my native field of combat, where even the boldeſt hero might be apprehenſive of deſtruction; where the muſcles of our chargers quake, as ſoon as they mingle in battle;

102 And many an arrow *for drawing lots* have I ſeen well-hardened and made yellow by fire, and then have delivered it into the hand of a gameſter noted for ill fortune.

103 *Too much wiſdom is folly*; for time will produce events, of which thou canſt have no idea; and he, to whom thou gaveſt no commiſſion, will bring thee unexpected news.

THE

POEM

OF

ZOHAIR.

THE ARGUMENT.

THE war of DAHIS, of which *Amriolkais* is by ſome ſuppoſed to have been the cauſe, had raged near forty years, if the *Arabian* account be true, between the tribes of ABS and DHOBYAN, who both began at length to be tired of ſo bloody and ruinous a conteſt: a treaty was therefore propoſed and concluded; but HOSEIN, the ſon of DEMDEM, whoſe brother HAREM had been ſlain by WARD, the ſon of HABES, had taken a ſolemn oath, not unuſual among the Arabs, *that he would not bathe his head in water*, until he had avenged the death of his brother, by killing either WARD himſelf, or one of his neareſt relations. His head was not long unbathed; and he is even ſuppoſed to have violated the law of hoſpitality by *ſlaying* a *gueſt*, whom he found to be an ABSITE deſcended *lineally* from the common anceſtor GALEB. This malignant and vindictive ſpirit gave great diſpleaſure to HARETH and HAREM, two virtuous chiefs of the ſame tribe with HOSEIN; and, when the ABSITES were approaching in warlike array to reſent the infraction of the treaty, HARETH ſent his own ſon to the tent of their chief with *a preſent of a hundred fine camels*, as an atonement for the murder of their countryman, and a meſſage importing his firm reliance on their honour, and his hope, *that they would prefer the milk of the camels to the blood of his ſon.* Upon this *Rabeiah*, the prince of ABS, having harangued his troops, and

and received their approbation, ſent back the youth with this anſwer; that "he accepted the camels as an expiatory gift, and would ſupply the im-"perfection of the former treaty by a ſincere and durable peace."

In commemoration of this noble act, ZOHAIR, then a very old man, compoſed the following panegyrick on *Hareth* and *Harem*; but the opening of it, like all the others, is amatory and elegiack: it has alſo ſomething of the dramatick form.

The poet, ſuppoſed to be travelling with a friend, recogniſes the place where the tent of his miſtreſs had been pitched twenty years before: he finds it wild and deſolate; but his imagination is ſo warmed by aſſociated ideas of former happineſs, that he ſeems to diſcern a company of damſels, with his favourite in the midſt of them, of whoſe appearance and journey he gives a very lively picture; and thence paſſes, rather abruptly, to the praiſes of the two peace-makers and their tribe; inveighs againſt the malignity of HOSEIN; perſonifies *War*, the miſeries of which he deſcribes in a ſtrain highly figurative; and concludes with a number of fine maxims, not unlike the proverbs of *Solomon*, which he repeats to his friend as a ſpecimen of his wiſdom acquired by long experience.

The meaſure is the ſame with that of the firſt and ſecond poems.

THE

THE

POEM

OF

ZOHAIR.

1 ARE theſe the only traces of the lovely OMMAUFIA? Are theſe the ſilent ruins of her manſion in the rough plains of DERRAAGE and MOTHATALLEM?

2 Are the remains of her abode, in the two ſtations of RAKMA, become like blue ſtains renewed with freſh woad on the veins of the wriſt?

3 There the wild cows with large eyes, and the milk-white deer, walk in ſlow ſucceſſion, while their young riſe haſtily to follow them from every lair.

4 On this plain I ſtopped, after an abſence of twenty ſummers, and with difficulty could recollect the manſion of my fair one after long meditation;

5 *After ſurveying* the black ſtones on which her cauldrons uſed to be raiſed, and the canal round her tent, like the margin of a fiſh-pond, which time had not deſtroyed.

6 Soon

6 Soon as I recollected the dwelling-place of my beloved, I ſaid to the remains of her bower: " Hail, ſweet bower; may thy morn-" ing be fair and auſpicious!"

7 But, *I added*, look, my friend! doſt thou not diſcern a company of maidens ſeated on camels, and advancing over the high ground above *the ſtreams of* JORTHAM?

8 They leave on their right the mountains and rocky plains of KENAAN. Oh! how many of my bitter foes, and how many of my firm allies, does KENAAN contain!

9 They are mounted in carriages covered with coſtly awnings, and with roſe-coloured veils, the linings of which have the hue of crimſon *Andem*-wood.

10 They now appear by the valley of SUBAAN, and now they paſs through it: the trappings of all their camels are new and large.

11 When they aſcend from the boſom of the vale, they ſit forward on the ſaddle-cloths, with every mark of a voluptuous gaiety.

12 The locks of ſtained wool, that fall from their carriages, whenever they alight, reſemble the ſcarlet berries of night-ſhade not yet cruſhed.

13 They roſe at day-break; they proceeded at early dawn; they are advancing towards the valley of RAS *directly and ſurely*, as the hand to the mouth.

14 Now,

14 Now, when they have reached the brink of yon blue guſhing rivulet, they fix the poles of their tents, like the *Arab* with a ſettled manſion.

15 Among them the nice gazer on beauty may find delight, and the curious obſervant eye may be gratified with charming objects.

16 *In this place,* how nobly did the two deſcendants of GAIDH, the ſon of MORRA, labour to unite the tribes, which a fatal effuſion of blood had long divided!

17 I have ſworn by the ſacred edifice, round which the ſons of KORAISH and JORHAM, who built it, make devout proceſſions;

18 Yes, I have ſolemnly ſworn, that I would give due praiſe to that illuſtrious pair, who have ſhown their excellence in all affairs, both ſimple and complicated.

19 *Noble chiefs!* You reconciled ABS and PHOBYAN after their bloody conflicts; after the deadly perfumes of MINSHAM had long ſcattered poiſon among them.

20 You ſaid, "We will ſecure the publick good on a firm baſis: "whatever profuſion of wealth or exertions of virtue it may de- "mand, we *will* ſecure it."

21 Thence you raiſed a ſtrong fabrick of peace; from which all partial obſtinacy and all criminal ſupineneſs were alike removed.

22 Chiefs, exalted in the high ranks of MAAD, *father of Arabs!* may you be led into the paths of felicity! The man, who opens for his country a treaſure of glory, ſhould himſelf be glorified.

23 They

23 They drove to the tents of their appeaſed foes a herd of young camels, marked for the goodneſs of their breed, and either inherited from their fathers or the ſcattered prizes of war.

24 With a hundred camels they cloſed all wounds: in due ſeaſon were they given, yet the givers were themſelves free from guilt.

25 The atonement was auſpiciouſly offered by one tribe to the other; yet thoſe, who offered it, had not ſhed a cupful of blood.

26 Oh! convey this meſſage from me to the ſons of DHOBYAN, and ſay to the confederates: Have you not bound yourſelves in this treaty by an indiſſoluble tie?

27 Attempt not to conceal from GOD the deſigns which your boſoms contain; for that, which you ſtrive to hide, GOD perfectly knows.

28 He ſometimes defers the puniſhment, but regiſters the crime in a volume, and reſerves it for the day of account: ſometimes he accelerates the chaſtiſement, and heavily it falls!

29 War is a dire fiend, as you have known by experience; nor is this a new or a doubtful aſſertion concerning her.

30 When you expelled her from your plains, you expelled her covered with infamy; but, when you kindled her flame, ſhe blazed and raged.

31 She ground you, as the mill grinds the corn with its lower ſtone: like a female camel ſhe became pregnant; ſhe bore twice in one year; and, at her laſt labour, ſhe was the mother of twins:

32 She

32 She brought forth Diſtreſs and Ruin, monſters full-grown, each of them deformed as the dun camel of AAD: ſhe then gave them her breaſt, and they were inſtantly weaned.

33 O what plenty ſhe produced in your land! The proviſions, which ſhe ſupplied, were more abundant, no doubt, than thoſe which the cities of IRAK diſpenſe to their inhabitants, weighed with large weights, and meaſured in ample meaſures!

34 Hail, illuſtrious tribe! They fix their tents where faithful allies defend their intereſts, whenever ſome cloudy night aſſails them with ſudden adverſity.

35 Hail, noble race! among whom neither can the revengeful man wreak his vengeance; nor is the penitent offender left to the mercy of his foes.

36 Like camels, were they turned looſe to paſture between the times of watering; and then were they led to copious pools, horrid with arms and blood:

37 They dragged one another to their ſeveral deaths; and then were they brought back, like a herd, to graze on pernicious and noxious weeds.

38 I ſwore by my life, that I would exalt with praiſes that excellent tribe, whom HOSEIN, the ſon of DEMDEM, injured, when he refuſed to concur in the treaty.

39 He bent his whole mind to the accompliſhment of his hidden purpoſe: he revealed it not; he took no precipitate ſtep.

40. He

40 He ſaid, "I will accompliſh my deſign; and will ſecure myſelf "from my foe with a thouſand horſes well-capariſoned."

41 He made a fierce attack, nor feared the number of tents, where *Death*, the mother of vultures, had fixed her manſion;

42 There the warriour ſtood armed at all points, fierce as a lion with ſtrong muſcles, with a flowing mane, with claws never blunted;

43 A bold lion, who, when he is aſſailed, ſpeedily chaſtiſes the aſſailant; and, when no one attacks him openly, often becomes the aggreſſor.

44 Yet I ſwear by thy life, *my friend*, that their lances poured not forth the blood of IBN NEHEIC, nor of MOTHALLEM cruelly ſlain:

45 Their javelins had no ſhare in drinking the blood of NAUFEL, nor that of WAHEB, nor that of IBN MOJADDEM.

46 The deaths of all thoſe chiefs I myſelf have ſeen expiated with camels free from blemiſh, aſcending the ſummits of rocks.

47 He, indeed, who rejects the blunt end of the lance, *which is preſented as a token of peace*, muſt yield to the ſharpneſs of the point, with which every tall javelin is armed.

48 He, who keeps his promiſe, eſcapes blame; and he, who directs his heart to the calm reſting-place of integrity, will never ſtammer nor quake *in the aſſemblies of his nation*.

49 He,

49 He, who trembles at all poſſible cauſes of death, falls in their way; even though he deſire to mount the ſkies on a ſcaling-ladder.

50 He, who poſſeſſes wealth or talents, and withholds them from his countrymen, alienates their love, and expoſes himſelf to their obloquy.

51 He, who continually debaſes his mind by ſuffering others to ride over it, and never raiſes it from ſo abject a ſtate, will at laſt repent of his meanneſs.

52 He, who ſojourns in foreign countries, miſtakes his enemy for his friend; and him, who exalts not his own ſoul, the nation will not exalt.

53 He, who drives not invaders from his ciſtern with ſtrong arms, will ſee it demoliſhed; and he, who abſtains ever ſo much from injuring others, will often himſelf be injured.

54 He, who conciliates not the hearts of men in a variety of tranſactions, will be bitten by their ſharp teeth, and trampled on by their paſterns.

55 He, who ſhields his reputation by generous deeds, will augment it; and he, who guards not himſelf from cenſure, will be cenſured.

56 I am weary of the hard burdens which life impoſes; and every man who, *like me*, has lived fourſcore years, will aſſuredly be no leſs weary.

57 I have ſeen Death herſelf ſtumble like a dim-ſighted camel; but he, whom ſhe ſtrikes, falls; and he, whom ſhe miſſes, grows old even to decrepitude.

58 Whenever a man has a peculiar caſt in his nature, although he ſuppoſes it concealed, it will ſoon be known.

59 Experience has taught me the events of this day and yeſterday; but, as to the events of to-morrow, I confeſs my blindneſs.

60 * Half of man is his tongue, and the other half is his heart: the reſt is only an image compoſed of blood and fleſh.

61 * He, who confers benefits on perſons unworthy of them, changes his praiſe to blame, and his joy to repentance.

62 * How many men doſt thou ſee, whoſe abundant merit is admired, when they are ſilent, but whoſe failings are diſcovered, as ſoon as they open their lips!

63 * An old man never grows wiſe after his folly; but, when a youth has acted fooliſhly, he may attain wiſdom.

64 * We aſked, and you gave: we repeated our requeſts, and your gift alſo was repeated; but whoever frequently ſolicits, will at length meet with a refuſal.

THE

POEM

OF

LEBEID.

THE ARGUMENT.

ALTHOUGH the opening of this poem be that of a love-elegy, and the greater part of it be purely paſtoral, yet it ſeems to have been compoſed on an occaſion more exalted than the departure of a miſtreſs, or the complaints of a lover; for the poet, *who was alſo a genuine patriot*, had been entertained at the court of NOMAAN, king of HIRA in *Meſopotamia*, and had been there engaged in a warm controverſy with RABEIAH, ſon of *Zeiad*, chief of the *Abſites*, concerning the comparative excellence of their tribes: LEBEID himſelf relates, what might be very naturally expected from a man of his eloquence and warmth, *that he maintained the glory of his countrymen and his own dignity againſt all opponents*; but, in order to perpetuate his victory, and to render his triumph more brilliant, he produced the following poem at the annual aſſembly, and, having obtained the ſuffrages of the criticks, was permitted, we are told, to hang it up on the gate of the Temple.

The fifteen firſt couplets are extremely pictureſque and highly characteriſtick of *Arabian* manners: they are followed by an expoſtulatory addreſs of the poet himſelf, or of ſome friend, who attended him in his rambles, on the folly

folly of his fruitlefs paffion for *Nawara*, who had flighted him, and whofe tent was removed to a confiderable diftance. Occafion is hence taken to interweave a long defcription of the camel, on which he intended to travel far from the object of his love, and which he compares for fwiftnefs to a cloud driven by the wind, or a wild-afs running to a pool, after having fubfifted many months on herbage only; or rather to a wild-cow haftening in fearch of her calf, whom the wolves had left mangled in the foreft: the laft comparifon confifts of *feventeen* couplets, and may be compared with the long-tailed fimilies of the *Greek* and *Roman* poets. He then returns to *Nawara*, and requites her coynefs with expreffions of equal indifference; he defcribes the gaiety of his life, and the pleafures which he can enjoy even in her abfence; he celebrates his own intrepidity in danger, and firmnefs on his military ftation; whence he takes occafion to introduce a fhort, but lively, defcription of his horfe; and, in the *feventieth* couplet, alludes to the before-mentioned conteft, which gave rife to the poem: thence he paffes to the praifes of his own hofpitality; and concludes with a panegyrick on the virtues of his tribe.

The meafure is of the fifth clafs, called *perfect* verfe, which regularly confifts of the compound foot *benedicerent*, fix times repeated, in this form:

"Tria grata funt | animo meo, ut | melius nihil,
"Oculi nigri, | cyathus nitens, | rofeus calyx."

But when the couplet admits the third epitrite, *paftoribus*, and the double iambus, *amantium*, it may be confidered as belonging to the feventh, or *tremulous*, clafs; between which and the *perfect*, the only diftinction feems to be, that the *tremulous* never admits the *anapeftick* foot. They are both, in the language of *European* profody, *iambicks*, in which the even places are invariably pure, and the odd places always exclude the dactyl: when the uneven feet are *trochees* or *pyrrhicks*, the verfes become *choriambick* or *peonick*; but of this change we have no inftance in the poem before us.

THE

THE

POEM

OF

L E B E I D.

1 DESOLATE are the manſions *of the fair*, the ſtations in MINIA, where they reſted, and thoſe where they fixed their abodes! Wild are the hills of GOUL, and deſerted is the ſummit of RIJAAM.

2 The canals of RAYAAN are deſtroyed: the remains of them are laid bare and ſmoothed *by the floods*, like characters engraved on the ſolid rocks.

3 Dear ruins! Many a year has been cloſed, many a month, holy and unhallowed, has elapſed, ſince I exchanged tender vows with their fair inhabitants.

4 The rainy conſtellations of ſpring have made their hills green and luxuriant: the drops from the thunder-clouds have drenched them with profuſe, as well as with gentle, ſhowers;

5 *Showers*, from every nightly cloud, from every cloud veiling the horizon at day-break, and from every evening-cloud, reſponſive with hoarſe murmurs.

6 Here

6 Here the wild eringo-plants raiſe their tops: here the antelopes bring forth their young by the ſides of the valley; and here the oſtriches drop their eggs.

7 The large-eyed wild-cows lie ſuckling their young, a few days old; their young, who will ſoon become a herd on the plain.

8 The torrents have cleared the rubbiſh, and diſcloſed the traces of habitations, as the reeds of a writer reſtore effaced letters in a book;

9 Or as the black duſt, ſprinkled over the varied marks on a fair hand, brings to view with a brighter tint the blue ſtains of woad.

10 I ſtood aſking news of the ruins concerning their lovely habitants; but what avail my queſtions to dreary rocks, who anſwer them only by their echo?

11 In the plains, which now are naked, a populous tribe once dwelled; but they decamped at early dawn, and nothing of them remains but the canals, which encircled their tents, and the THUMAAM-plants, *with which they were repaired.*

12 How were thy tender affections raiſed, when the damſels of the tribe departed; when they hid themſelves in carriages of cotton, like antelopes in their lair, and the tents, as they were ſtruck, gave a piercing ſound!

13 They were concealed in vehicles, whoſe ſides were well-covered with awnings and carpets, with fine-ſpun curtains and pictured veils:

14 A com-

14 A company of maidens were ſeated in them *with black eyes and graceful motions*, like the wild heifers of TUDAH, or the roes of WEGERA tenderly gazing on their young.

15 They haſtened their camels, till the ſultry vapour gradually ſtole them from thy ſight; and they ſeemed to paſs through a vale, wild with tamariſks and rough with large ſtones like the valley of BEISHA.

16 Ah! what remains in thy remembrance of the beautiful NAWARA, ſince now ſhe dwells at a diſtance, and all the bonds of union between her and thee, both ſtrong and weak, are torn aſunder?

17 A damſel, who ſometimes has her abode in FAID, and ſometimes is a neighbour to the people of HEJAAZ! how can ſhe be an object of thy deſire?

18 She alights at the eaſtern ſide of the two mountains, *Aja* and *Salma*, and then ſtops on the hills of MOHAJJER; ROKHAAM alſo and FERDA receive her with joy.

19 When ſhe travels towards YEMEN, we may ſuppoſe that ſhe reſts at SAWAYIK; and baits at the ſtations of WAHAAF and TELKHAAM.

20 Break then ſo vain a connexion with a miſtreſs, whoſe regard has ceaſed; for hapleſs is an union with a maid, who has broken her vow!

21 When

21 When a damſel is kind and complacent, love her with ardent affection; but, when her faith ſtaggers and her conſtancy is ſhaken, let your diſunion from her be unalterably fixed.

22 *Execute thy purpoſe, O Lebeid,* on a camel, wearied by long journies, which have left but little of her former ſtrength; a camel, whoſe ſides are emaciated, and on whoſe back the bunch is diminiſhed:

23 Yet even in this condition, when her fleſh is extenuated, and her hair thin, when, after many a toilſome day, the thong of her ſhoes is broken,

24 Even now ſhe has a ſpirit ſo briſk, that ſhe flies with the rein, like a dun cloud driven by the ſouth wind, after it has diſcharged its ſhower;

25 Or like a female wild-aſs, whoſe teats are diſtended with milk, while the male, by whom ſhe is with foal, is grown lean with driving his rivals from her, with biting and kicking them in his rage.

26 He runs with her up the crooked hills, although he has been wounded in his battles; but her preſent coyneſs, compared with her late fondneſs, fills him with ſurpriſe.

27 He aſcends the ſandy hillock of THALBUT, and explores its deſerted top, fearing leſt an enemy ſhould lurk behind the guide-ſtones.

28 There they remain till the cloſe of the ſixth month, till the

froſty

froſty ſeaſon is paſt; they ſubſiſt on herbage without water; their time of faſting and of retirement is long.

29 The thorns of the BUHMA-plant wound their hind-legs, and the ſultry winds of ſummer drive them violently in their courſe.

30 At length they form in their minds a fixed reſolution *of ſeeking ſome cool rivulet*, and the object of their ſettled purpoſe is nearly attained.

31 They alternately raiſe high clouds of duſt with an extended ſhade, as the ſmoke riſes from a pile of dry wood newly kindled and flaming;

32 When freſh ARFADGE-plants are mingled in the heap, and the north-wind plays with the blazing fire.

33 He paſſes on, but makes her run before him; for ſuch is his uſual courſe, when he fears that ſhe will linger behind.

34 They ruſh over the margin of the rivulet, they divide the waters of the full ſtream, whoſe banks are covered with the plants of KOLAAM,

35 Banks, which a grove of reeds, part erect and part laid proſtrate, overſhades or clothes as with a mantle.

36 Is this *the ſwiftneſs of* my camel? *No*; rather ſhe reſembles a wild-cow, whoſe calf has been devoured by ravenous beaſts, when ſhe had ſuffered him to graze apart, and relied for his protection on the leader of the herd;

37 A mother with flat noſtrils; who, as ſoon as ſhe miſſes her young one, ceaſes not to run haſtily round the vales between the ſand-hills, and to fill them with her mournful cries;

38 With cries for her white-haired young, who now lies rolled in duſt, after the dun wolves, hunters of the deſert, have divided his mangled limbs, and their feaſt has not been interrupted.

39 They met him in the moment of her neglect; they ſeized him with eagerneſs; for oh, how unerring are the arrows of death!

40 She paſſes the night in agony; while the rain falls in a continued ſhower, and drenches the tangled groves with a profuſe ſtream.

41 She ſhelters herſelf under the root of a tree, whoſe boughs are thick, apart from other trees, by the edge of a hill, whoſe fine ſands are ſhaken by her motion:

42 Yet the ſucceſſive drops fall on her ſtriped back, while the clouds of night veil the light of the ſtars.

43 Her white hair glimmers, when the darkneſs is juſt coming on, and ſparkles like the pearls of a merchant, when he ſcatters them from their ſtring.

44 At length, when the clouds are diſperſed, and the dawn appears, ſhe riſes early, and her hoofs glide on the ſlippery ground.

45 She grows impatient, and wild with grief: ſhe lies frantick in the pool of SOAYID for ſeven whole days with their twin-ſiſters, *ſeven nights*;

46 And

46 And now ſhe is in total deſpair; her teats, which were full of milk, are grown flaccid and dry, though they are not worn by ſuckling and weaning her young.

47 She now hears the cry of the hunters; ſhe hears it, but ſees them not; ſhe trembles with fear; for ſhe knows that the hunters bring her deſtruction.

48 She ſits quivering, and imagines, that the cauſe of her dread will appear on one ſide and the other, before and behind her.

49 When the archers deſpair *of reaching her with their ſhafts*, they let ſlip their long-eared hounds, anſwering to their names, with bodies dry and thin.

50 They ruſh on; but ſhe brandiſhes againſt them her extended horns, both long and ſharp as javelins made by the ſkilful hand of SAMHAR,

51 Striving to repel them; for ſhe knows that, if her effort be vain, the deſtined moment of her death muſt ſoon approach:

52 Then ſhe drives *the dog* CASAAB to his fate: ſhe is ſtained with his blood; and SOKHAAM is left proſtrate on the field.

53 On a camel like this, when the flaſhes of the noon-tide vapour dance over the plain, and the ſultry miſt clothes the parched hills,

54 I accompliſh my bold deſign, from which I am not deterred by any fear of reprehenſion from the moſt cenſorious man.

55 Knoweſt

55 Knoweſt thou not, O NAWARA, that I preſerve the knot of affection entire, or cut it in two, as the objects of it are conſtant or faithleſs?

56 That I would leave without reluctance a country not congenial to my diſpoſition, although death were inſtantly to overtake my ſoul?

57 Ah! thou knoweſt not how many ſerene nights, with ſweet ſport and mirthful revelry,

58 I paſs in gay converſation; and often return to the flag of the wine-merchant, when he ſpreads it in the air, and ſells his wine at a high price:

59 I purchaſe the old liquor at a dear rate in dark leathern-bottles long repoſited, or in caſks, black with pitch, whoſe ſeals I break, and then fill the cheerful goblet.

60 How often do I quaff pure wine in the morning, and draw towards me the fair lutaniſt, whoſe delicate fingers ſkilfully touch the ſtrings!

61 I riſe before the cock to take my morning draught, which I ſip again and again, when the ſleepers of the dawn awake.

62 On many a cold morning, when the freezing winds howl, and the hand of the north holds their reins, I turn aſide their blaſt *from the travellers, whom I receive in my tent.*

63 When

63 When I riſe early to defend my tribe, my arms are born by a ſwift horſe, whoſe girths reſemble my ſaſh adorned with gems.

64 I aſcend a duſty hill to explore the ſituation of the foe, and our duſt flying in clouds reaches the hoſtile ſtandard.

65 At length, when the ſun begins to ſink into darkneſs, and the veil of night conceals the ambuſcade and the ſtratagems of our enemy,

66 I deſcend into the vale; and my ſteed raiſes his neck like the ſmooth branch of a lofty palm, which he, who wiſhes to cut it, cannot reach:

67 I incite him to run like a fleet oſtrich, in his impetuous courſe, until, when he boils in his rage, and his bones are light,

68 His trappings are ſtrongly agitated; a ſhower flows down his neck; and his ſurcingle is bathed in the ſcalding foam.

69 He lifts his head: he flies at liberty with the looſe rein; and haſtens to his goal, as a dove haſtens to the brook, when her feveriſh thirſt rages.

70 There is a manſion (*the palace of* NOMAAN) filled with gueſts, unknown to each other, hoping for preſents and fearing reproof:

71 It is inhabited by men, like ſtrong-necked lions, who menace one another with malignant hate, like the demons of BADIYA, with feet firmly rivetted in the conflict.

72 I diſputed their falſe pretenſions, yet admitted their real merit, according to my judgement; nor could the nobleſt among them ſurpaſs me in renown.

73 Oft have I invited *a numerous company* to the death of a camel, bought for ſlaughter, to be divided by lot with arrows of equal dimenſions:

74 I invite them to draw lots for a camel without a foal, and for a camel with her young one, whoſe fleſh I diſtribute to all the neighbours.

75 The gueſt and the ſtranger, admitted to my board, ſeem to have alighted in the ſweet vale of TEBAALA luxuriant with vernal bloſſoms.

76 To the cords of my tent approaches every needy matron, worn with fatigue, like a camel doomed to die at her maſter's tomb, whoſe veſture is both ſcanty and ragged.

77 There they crown with meat, while the wintry winds contend with fierce blaſts, a diſh flowing like a rivulet, into which the famiſhed orphans eagerly plunge.

78 When the nations are aſſembled, ſome hero of our tribe, firm in debate, never fails by ſuperior powers to ſurmount the greateſt difficulty.

79 He diſtributes equal ſhares: he diſpenſes juſtice to the tribes: he is indignant, when their right is diminiſhed; and, to eſtabliſh their right, often relinquiſhes his own.

80 He acts with greatneſs of mind and with nobleneſs of heart: he ſheds the dew of his liberality on thoſe, who need his aſſiſtance: he ſcatters around his own gains, and precious ſpoils, the prizes of his valour.

81 He belongs to a tribe whoſe anceſtors have left them a perfect model; and every tribe, that deſcends from us, will have patterns of excellence, and objects of imitation.

82 If their ſuccour be aſked, they inſtantly brace on their helmets, while their lances and breaſt-plates glitter like ſtars.

83 Their actions are not ſullied by the ruſt of time, or tarniſhed by diſgrace; for their virtues are unſhaken by any baſe deſires.

84 He hath raiſed for us a fabrick *of glory* with a lofty ſummit, to which all the aged and all the young men of our tribe aſpire.

85 Be content, therefore, with the diſpenſations of the Supreme Ruler; for He, who beſt knows our nature, has diſpenſed juſtice among us.

86 When peace has been eſtabliſhed by our tribe, we keep it inviolate; and He, who makes it, renders our proſperity complete.

87 Noble are the exertions of our heroes, when the tribe ſtruggle with hardſhips; they are our leaders in war, and in peace the deciders of our claims:

88 *They*

88 They are an enlivening ſpring to their indigent neighbours, and to the diſconſolate widows, whoſe year paſſes heavily away.

89 They are an illuſtrious race; although their enviers may be ſlow in commending them, and the malevolent cenſurer may incline to their foe.

THE

THE

POEM

OF

ANTARA.

THE ARGUMENT.

THIS poem appears to have been a little older than that of ZOHAIR; for it must have been composed *during* the war of DAHIS, which the magnanimity of the two chiefs, extolled by ZOHAIR, *so nobly terminated*. ANTARA, the gallant *Absite*, of whom so much has already been said in the preliminary discourse, distinguished himself very early in the war by his valour in attacking the tribe of DHOBYAN, and boasts in this composition, that he had slain DEMDEM, the father of HOSEIN and of HAREM, whom WARD, the son of HABES, afterwards put to death. An old enmity subsisted, it seems, between our poet and those two young men, who, as ANTARA believed, had calumniated him without provocation; and his chief object in this poem was to blazon his own achievements and exploits, and to denounce implacable resentment against the calumniators, whom his menaces were likely to intimidate: yet so harsh an argument is tempered by a strain in some parts elegiack and amatory; for even this vengeful impetuous warriour found himself obliged to comply with the custom of the ARABIAN poets, *who had left*, as he complains, *little new imagery for their successors*.

He begins with a pathetick address to the bower of his beloved ABLA, and to the ruins of her deserted mansion: he bewails her sudden departure, the distance of her new abode, and the unhappy variance between their respective

ſpective clans: he deſcribes his paſſion and the beauties of his miſtreſs with great energy: thence he paſſes to his own laborious courſe of life, contraſted with the voluptuous indolence of the fair, and gives a forcible deſcription of his camel, whom he compares to a male oſtrich haſtening to viſit the eggs, which the female, whoſe uſual neglect of them is mentioned by naturaliſts, had left in a remote valley. He next expatiates on his various accompliſhments and virtues; his mildneſs to thoſe who treat him kindly, his fierceneſs to thoſe who injure him; his diſregard of wealth, his gaiety, liberality; and above all, his military proweſs and ſpirit of enterpriſe, on which he triumphantly enlarges through the reſt of the poem, except four couplets, in which he alludes obſcurely to a certain love-adventure; and, after many animated deſcriptions of battles and ſingle combats, he concludes with a wiſh, that he may live to ſlay the two ſons of DEMDEM, and with a bitter exultation on the death of their father, whom *he had left a prey to the wild beaſts and the vultures.*

The metre is *iambick*, like that of the poem immediately preceding.

THE

THE

POEM

OF

A N T A R A.

1 HAVE the bards, who preceded me, left any theme unſung? *What, therefore, ſhall be my ſubject? Love only muſt ſupply my lay.* Doſt thou then recollect, after long conſideration, the manſion of thy beloved?

2 O bower of ABLA, in the valley of JIWAA, give me tidings of my love! O bower of ABLA, may the morning riſe on thee with proſperity and health!

3 There I ſtopped my camel, large as a tower, the anguiſh of my paſſion having delayed the accompliſhment of my bold enterpriſe,

4 Whilſt ABLA was dwelling in JIWAA, and our tribe *were ſtationed* in HAZN, and SAMAAN, and MOTATHALLEM.

5 Hail, dear ruins, with whoſe poſſeſſors I had old engagements; more dreary and more deſolate *are you become*, after the departure *of my beloved* OMM ALHEITHAM.

6 She dwells in the land of my foes, like roaring lions: oh! how painful has been my ſearch after thee, fair daughter of MAKHREM.

7 I felt myſelf attached to her at our firſt interview, although I had ſlain her countrymen in battle: I aſſure thee, by the life of thy father, that of my attachment there can be no doubt.

8 *Thou haſt poſſeſſed thyſelf of my heart*; thou haſt fixed thy abode in it (imagine not that I delude thee) and art ſettled there as a beloved and cheriſhed inhabitant.

9 *Yet* how can I viſit *my fair one*, whilſt her family have their vernal manſion in ONEIZATAIN, and mine are ſtationed in GHAILEM?

10 Surely thou haſt firmly reſolved to depart from me, ſince the camels of thy tribe are bridled even in ſo dark a night.

11 Nothing ſo much alarms me *with a ſignal of her deſtined removal*, as my ſeeing the camels of burden, which belong to her tribe, grazing on KHIMKHIM-berries in the midſt of their tents:

12 Among them *are* forty-two milch camels, dark as the plumes of a coal-black raven.

13 Then, ANTARA, ſhe pierced thee to the heart with her well-pointed teeth exquiſitely white, the kiſs of which is delicious, and the taſte raviſhingly ſweet:

14 From the mouth of this lovely damſel, when you kiſs her lips, proceeds the fragrance of muſk, as from the vaſe of a perfumer;

15 Or like the ſcent of a blooming bower, whoſe plants the gentle rains have kept in continual verdure, which no filth has ſullied, and to which there has been no reſort:

16 Every morning-cloud, clear of hail, has drenched it with a plentiful ſhower, and has left all the little cavities in the earth both round and bright as coins of ſilver:

17 Profuſely and copiouſly it deſcends; and every evening the ſtream, which nothing intercepts, guſhes rapidly through it.

18 The flies remain in it with inceſſant buzzing, and their murmurs are like the ſong of a man exhilarated with wine:

19 Their ſound, when they ſtrike their ſlender legs againſt each other, is like the ſound of a flint, from which the ſparks are forced by a man with one arm, intent upon his labour.

20 While thou, *fair* ABLA, reclineſt both evening and morning on the lap of a ſoft couch, I paſs whole nights on the back of a dark-coloured horſe well capariſoned.

21 My only cuſhion is the ſaddle of a charger with firm thick feet, ſtrong ſided, and large in the place of his girths.

22 Shall a camel of SHADEN bear me to thy tent, *a camel* far removed from her country, deſtitute of milk, and ſeparated from the herd?

23 She waves her tail in her playful mood, and proudly moves her body from ſide to ſide even at the end of her nightly excurſion: ſhe

ſhe ſtrikes the hills with her quickly-moving and firmly-trampling hoofs.

24 Thus the bird without ears, between whoſe feet there is but a ſmall ſpace, *the ſwift oſtrich* beats the ground in his evening courſe:

25 The young oſtriches gather themſelves around him, as a multitude of black YEMENIAN camels aſſemble round their Abyſſinian *herdman*, who is unable to expreſs himſelf *in the language of Arabia.*

26 They follow him guided by the loftineſs of his head, which reſembles the carriage of travelling damſels, raiſed on high, and covered like a tent:

27 His head, *though lofty*, is ſmall; when he is going to viſit the eggs, *which his female left* in DHULASHEIRA, he looks like an *Ethiop* with ſhort ears in a trailing garment of furred hides.

28 *My camel* drinks the water of DEHRADHAIN, but ſtarts aſide with diſdain from the *hoſtile* rivulets of DAILEM.

29 She turns her right ſide, as if ſhe were in fear of ſome large headed ſcreamer of the night,

30 Of a hideous wild cat fixed to her body, who, as often as ſhe bent herſelf towards him in her wrath, aſſailed her with his claws and his teeth.

31 I continue all day on the well-cemented tower of her back, ſtrongly raiſed, and firm as the pillars of him who pitches a tent:

32 *When*

32 *When ſhe reſts,* ſhe crouches on the ſoft bank of RIDAA, and groans through fatigue like the ſoft ſounding reed, which ſhe preſſes with her weight.

33 *Her ſweat* reſembles thick rob or tenacious pitch, which the kindled fire cauſes to bubble in the ſides of a cauldron:

34 It guſhes from behind her ears, when ſhe boils with rage, exults in her ſtrength, and ſtruts in her pride, like the ſtallion of her herd, when his rivals aſſail him.

35 *O* ABLA, although thou droppeſt thy veil before me, yet know, that by my agility I have made captive many a knight clad in complete armour.

36 Beſtow on me the commendation, which thou knoweſt to be due; ſince my nature is gentle and mild, when my rights are not invaded;

37 But, when I am injured, my reſentment is firm, and bitter as coloquinteda to the taſte of the aggreſſor.

38 I quaff, when the noontide heat is abated, old wine purchaſed with bright and well-ſtamped coin;

39 I quaff it in a goblet of yellow glaſs variegated with white ſtreaks, whoſe companion is a glittering flaggon well ſecured by its lid from the blaſts of the north:

40 When I drink it, my wealth is diſſipated; but my fame remains abundant and unimpaired;

41 And, when I return to ſobriety, the dew of my liberality continues as freſh as before: give due honour, therefore, to thoſe qualities, which thou knoweſt me to poſſeſs.

42 Many a conſort of a fair one, whoſe beauty required no ornaments, have I left proſtrate on the ground; and the life-blood has run ſounding from his veins, opened by my javelin like the mouth of a camel with a divided lip:

43 With a nimble and double-handed ſtroke I prevented his attack; and the ſtream, that guſhed from the penetrating wound, bore the colour of anemonies.

44 Go, aſk the warriours, O daughter of MALEC, if thou art ignorant of my valour, *aſk them* that, which thou knoweſt not;

45 *Aſk how* I act, when I am conſtantly fixed to the ſaddle of an elegant horſe, ſwimming in his courſe, whom my bold antagoniſts alternately wound;

46 Yet ſometimes he advances alone to the conflict, and ſometimes he ſtands collected in a multitudinous throng of heroes with ſtrong bows.

47 *Aſk*, and whoever has been witneſs to the combat, will inform thee, that I am impetuous in battle, but regardleſs of the ſpoils.

48 Many a warriour, clad in a ſuit of mail, at whoſe violent aſſault the boldeſt men have trembled, who neither had ſaved himſelf by ſwift flight nor by abject ſubmiſſion,

49 Has

49 Has this arm laid prone with a rapid blow from a well-ſtraitened javelin, firm between the knots :

50 Broad were the lips of the wound ; and the noiſe of the ruſhing blood called forth the wolves, prowling in the night, and pinched with hunger :

51 With my ſwift lance did I pierce his coat of mail ; and no warriour, however brave, is ſecure from its point.

52 I left him, like a ſacrificed victim, to the lions of the foreſt, who feaſted on him between the crown of his head and his wriſts.

53 Often have I burſt the interior folds of a well-wrought habergeon worn by a famed warriour appointed to maintain his poſt ;

54 Whoſe hands were briſk in caſting lots, when winter demands ſuch recreation ; a man, cenſured for his diſregard of wealth, and for cauſing the wine-merchant to ſtrike his flag, *by purchaſing all his ſtore.*

55 When he ſaw me deſcend from my ſteed, and ruſh towards *him,* he grinned with horror, but with no ſmile of joy.

56 My engagement with him laſted the whole day, until his head and fingers, covered with clotted gore, appeared to be ſtained with the juice of IDHLIM.

57 Then I fixed him with my lance : I ſtruck him to the heart with an INDIAN cimeter, the blade of which was of a bright water, and rapid was the ſtroke it gave :

58 A warriour, whofe armour feemed to be braced on a lofty tree; a chief, who, like a king, wore fandals of leather ftained with EGYPTIAN thorn; a hero without an equal.

59 O lovely heifer! how fweet a prey was fhe to a hunter permitted to chafe her! To me fhe was wholly denied: O would to heaven, that fhe had not been forbidden me!

60 I fent forth my handmaid, and said to her, "Go, afk tidings "inquifitively of my beloved, and bring me intelligence."

61 She faid, "I have feen the hoftile guards negligent of their "watch, and the wild heifer may be fmitten by any archer, who "defires to fhoot her."

62 Then fhe turned towards me with the neck of a young roe, well-grown, of an exquifite breed among the gazals of the wood, a roe with a milk-white face.

63 I have been informed of a man ungrateful for my kindnefs; but ingratitude turns the mind of a benefactor from any more beneficence.

64 The inftructions, which my valiant uncle gave me, I have diligently obferved; at the time when the lips are drawn away from the bright teeth,

65 In the ftruggle of the fight, into whofe deepeft gulphs the warriours plunge themfelves without complaint or murmur.

66 When my tribe have placed me as a fhield between them and the

the hoſtile ſpears, I have not ignobly declined the danger, although the place, where I fixed my foot, was too narrow to admit a companion.

67 When I heard the din of MORRA raiſed in the field, and the ſons of RABEIA in the thick duſt,

68 * And the ſhouts of DHOHOL at the moment of aſſault, when they ruſh in troops to the conflict with all their ſharp-biting lions,

69 When even the mildeſt of the tribes ſaw the ſkirmiſh under their ſtandards (and Death *ſpreads havock* under the ſtandard of the mildeſt nation),

70 Then I knew with certainty, that, in ſo fierce a conteſt with them, many a heavy blow would make the perched birds of the brain fly quickly from every ſkull:

71 As ſoon as I beheld the legions of our enemies advancing, and animating one another to battle, I too ruſhed forward, and acted without reproach.

72 The troops called out ANTARA! while javelins, long as the cords of a well, were forcibly thruſt againſt the cheſt of my dark ſteed.

73 I ceaſed not to charge the foe with the neck and breaſt of my horſe, until he was mantled in blood.

74 My ſteed, bent aſide with the ſtroke of the lances in his forehead, complained to me with guſhing tears and tender ſobbing:

75 Had

75 Had he known the art of diſcourſe, he would have addreſſed me in a plaintive ſtrain; and, had he poſſeſſed the faculty of ſpeech, he would have ſpoken to me diſtinctly.

76 In the midſt of the black duſt, the horſes were impetuouſly ruſhing with disfigured countenances; every robuſt ſtallion and every ſtrong-limbed ſhort-haired mare.

77 Then my ſoul was healed, and all my anguiſh was diſperſed, by the cry of the warriours, ſaying, "Well done, ANTARA; charge "again!"

78 My camels too are obedient to my will, as often as I deſire to kindle the ardour of my heart, and preſs it on to ſome arduous enterpriſe.

79 Yet I fear leſt death ſhould ſeize me, before the adverſe turn of war has overtaken the two ſons of DEMDEM;

80 Men, who attacked my reputation, when I had given them no offence, and vowed, when I had never aſſailed them, to ſhed my blood;

81 Yes! they injured me—but I have left their father, like a victim, to be mangled by the lions of the wood, and by the eagles advanced in years.

THE

POEM

OF

A M R U.

THE ARGUMENT.

THE difcordant and inconfiftent accounts of the commentators, who feem to have collected without examination every tradition that prefented itfelf, have left us very much in the dark on the fubject of the two following poems; but the common opinion, which appears to me the moft probable, is, that they are, in fact, *political and adverfe declamations*, which were delivered by AMRU and HARETH at the head of their refpective clans, before AMRU the fon of HINDA, king of HIRA in *Mefopotamia*, who had affumed the office of mediator between them after a moft obftinate war, and had undertaken to hear a difcuffion of their feveral claims to pre-eminence, and to decide their caufe with perfect impartiality. In fome copies, indeed, as in thofe of NAHAS and of ZAUZENI, the two poems are feparated; and in that of OBAIDALLA, the poem of HARETH is totally omitted; a remarkable fact, of which I have made fome ufe to a different purpofe in the preliminary differtation. Were I to draw my opinion folely from the ftructure and general turn of AMRU's compofition, I fhould conceive that the king of HIRA, who, like other tyrants, wifhed *to make all men juft but himfelf, and to leave all nations free but his own*, had attempted to enflave the powerful tribe of TAGLEB, and to appoint a prefect over them, but that the warlike poffeffors of the deferts and forefts had openly difclaimed his authority, and employed

employed their principal leader and poet to ſend him defiance, and magnify their own independent ſpirit.

Some ARABIAN writers aſſert, what there is abundant reaſon to believe, that the above-mentioned king was killed by the author of the following poem, who compoſed it, ſay they, on that occaſion; but the king himſelf is perſonally addreſſed by the poet, *and warned againſt precipitation in deciding the conteſt*; and, where mention is made of *crowned heads left proſtrate on the field*, no particular monarch ſeems to be intended, but the conjunction *copulative* has the force, as it often has in *Arabick*, of a *frequentative* particle.

Let us then, where certainty cannot be obtained, be ſatisfied with high probability, and ſuppoſe, with TABREIZI, that the two tribes of BECR and TAGLEB, having exhauſted one another in a long war, to which the murder of COLEIB the *Taglebite* had given riſe, agreed to terminate their ruinous quarrel, and to make the king of HIRA their umpire; that, on the day appointed, the tribes met before the palace or royal tent; and that AMRU, the ſon of CELTHUM, prince of the *Taglebites*, either pronounced his poem according to the cuſtom of the *Arabs*, or ſtated his pretenſions in a ſolemn ſpeech, which he afterwards verſified, that it might be more eaſily remembered by his tribe and their poſterity.

The oration or poem, or whatever it may be called, is arrogant beyond all imagination, and contains hardly a colour of argument: the prince was, moſt probably, a vain young man, proud of his accompliſhments, and elate with ſucceſs in his wars; but his production could not fail of becoming extremely popular among his countrymen; and his own family, the deſcendants of JOSHAM the ſon of BECR, were ſo infatuated by it, that (as one of their own poets admits) *they could ſcarce ever deſiſt from repeating it, and thought they had attained the ſummit of glory without any farther exertions of virtue.* He begins with a ſtrain perfectly *Anacreontick*, the elegiack ſtyle of the former poems not being well adapted to his eager exultation and triumph; yet there is ſome mixture of complaint on the departure of his miſtreſs, whoſe beauties he delineates with a boldneſs and energy highly characteriſtick

teriſtick of unpoliſhed manners: the reſt of his work conſiſts of menaces, vaunts, and exaggerated applauſe of his own tribe for their generoſity and proweſs, the goodneſs of their horſes, the beauty of their women, the extent of their poſſeſſions, and even the number of their ſhips; which boaſts were ſo well founded, that, according to ſome authors, if MAHOMED had not been born, the *Taglebites* would have appropriated the dominion of all *Arabia*, and poſſibly would have erected a mighty ſtate, both civil and maritime.

This poem is compoſed in *copious* verſe, or metre of the *fourth* ſpecies, according to the following form:

" Amatores | puellarum | miſellos
" Ocellorum | nitor multos | fefellit."

But the compound foot *amore furens* is uſed at pleaſure inſtead of the firſt epitrite; as,

" Venuſta puel | la, tarda venis | ad hortum,
" Parata lyra eſt, | paratus odor | roſarum."

THE

THE

POEM

OF

A M R U.

1 HOLLA!—Awake, ſweet damſel, and bring our morning draught in thy capacious goblet; nor ſuffer the rich wines of ENDEREIN to be longer hoarded:

2 Bring the well-tempered wine, that ſeems to be tinctured with ſaffron; and, when it is diluted with water, overflows the cup.

3 This is the liquor, which diverts the anxious lover from his paſſion; and, as ſoon as he taſtes it, he is perfectly compoſed:

4 Hence thou ſeeſt the penurious churl, when the circling bowl paſſes him, grow regardleſs of his pelf:

5 * When its potent flames have ſeized the diſcreeteſt of our youths, thou wouldſt imagine him to be in a phrenſy.

6 Thou turneſt the goblet from us, O mother of AMRU; for the true courſe of the goblet is to the right hand:

7 He

7 He is not the leaſt amiable of thy three companions, O mother of AMRU, to whom thou haſt not preſented the morning bowl.

8 * How many a cup have I purchaſed in BALBEC! how many more in DAMASCUS and KASIREIN!

9 Surely our allotted hour of fate will overtake us; ſince we are deſtined to death, and death to us.

10 O ſtay awhile, before we ſeparate, thou lovely rider on camels; that we may relate to thee our ſorrows, and thou to us *thy delights*!

11 O ſtay—that we may inquire, whether thou haſt altered thy purpoſe of departing haſtily, or whether thou haſt wholly deceived thy too confident lover:

12 In the hateful day of battle, whilſt he ſtruggles amid wounds and blows, may the Ruler of the world refreſh thy ſight with coolneſs, and gratify it with every deſired object!

13 O AMRU, when thou viſiteſt thy fair one in ſecret, and when the eyes of lurking enemies are cloſed in reſt,

14 She diſplays two lovely arms, fair and full as the limbs of a long-necked ſnow-white young camel, that friſks in the vernal ſeaſon over the ſand-banks and green hillocks;

15 And two ſweet breaſts, ſmooth and white as veſſels of ivory, modeſtly defended from the hand of thoſe, who preſume to touch them:

16 She diſcovers her ſlender ſhape, tall and well-proportioned, and her ſides gracefully riſing with all their attendant charms;

17 * Her hips elegantly ſwelling, which the entrance of the tent is ſcarce large enough to admit, and her waiſt, the beauty of which drives me to madneſs;

18 * With two charming columns of jaſper or poliſhed marble, on which hang rings and trinkets making a ſtridulous ſound.

19 My youthful paſſion is rekindled, and my ardent deſire revives, when I ſee the travelling camels of my fair one driven along in the evening;

20 When the towns of YEMAMA appear in ſight, exalted above the plains, and ſhining like bright ſabres in the hands of thoſe, who have unſheathed them.

21 *When ſhe departs,* the grief of a ſhe-camel, who ſeeks her loſt foal, and returns deſpairing with piercing cries, equals not my anguiſh;

22 Nor that of a widow, with ſnowy locks, whoſe mourning never ceaſes for her nine children, of whom nothing remains, but what the tomb has concealed.

23 *Such is our fate!* This day and the morrow, and the morning after them, are pledges in the hand of deſtiny for events, of which we have no knowledge.

24 O ſon of HINDA, be not precipitate in giving judgement againſt us: hear us with patience, and we will give thee certain information,

25 That we lead our ſtandards to battle, *like camels to the pool,* of a white hue, and bring them back ſtained with blood, in which they have quenched their thirſt;

26 That our days of proſperity, in which we have refuſed to obey the commands of kings, have been long and brilliant.

27 Many a chief of his nation, on whom the regal diadem has been placed, the refuge of thoſe who implored his protection,

28 Have we left proſtrate on the field, while his horſes waited by his ſide, with one of their hoofs bent, and with bridles richly adorned.

29 * Often have we fixed our manſions in DHU THALUH towards the diſtricts of SYRIA, and have kept at a diſtance thoſe who menaced us.

30 *We were ſo diſguiſed in our armour, that* the dogs of the tribe ſnarled at us; yet we ſtripped the branches from every thorny tree *(every armed warriour)* that oppoſed us.

31 When we roll the millſtone of war over a little clan, they are ground to flour in the firſt battle;

32 From the eaſtern ſide of NAJD the cloth of the mill is ſpread, and whatever we caſt into it ſoon becomes impalpable powder.

33 You

33 You alight on our hills as guefts are received in their ftation, and we haften to give you a warm reception, left you fhould complain of our backwardnefs:

34 We invite you to our board, and fpeedily prepare for your entertainment a folid rock, which, before day-break, fhall reduce you to duft.

35 Surely hatred after hatred has been manifefted by thee, *O hoftile chief*, and thy fecret rancour has been revealed:

36 But we have inherited glory, as the race of MAAD well knows; we have fought with valour till our fame has been illuftrious:

37 When the falling pillars of our tents quiver over our furniture, we defend our neighbours from the impending ruin:

38 We difperfe our gifts to our countrymen, but difdain to fhare their fpoils; and the burdens, which we bear, we fupport for their advantage.

39 When the troops of the foe are at a diftance from us, we dart our javelins; and, when we clofe in the combat, we ftrike with fharp fabres;

40 Our dark javelins exquifitely wrought of KHATHAIAN reeds, flender and delicate; our fabres, bright and piercing:

41 With thefe we cleave in pieces the heads of our enemies; we mow, we cut down their necks as with fickles:

42 Then

42 Then might you imagine the ſkulls of heroes on the plain, to be the bales of a camel thrown on rocky ground.

43 Inſtead of ſubmitting to them, we cruſh their heads; and their terror is ſuch, that they know not on which ſide the danger is to be feared.

44 Our cimeters, whoſe ſtrokes are furiouſly interchanged, are as little regarded by us, as twiſted ſaſhes in the hands of playful children.

45 Their armour and ours, ſtained reciprocally with our blood, ſeems to be died or painted with the juice of the crimſon ſyringa-flower.

46 At a time when the tribe is reluctant to charge the foe, apprehenſive of ſome probable diſaſter,

47 Then we lead on our troop, like a mountain with a pointed ſummit; we preſerve our reputation, and advance in the foremoſt ranks,

48 With youth, who conſider death as the completion of glory, and with aged heroes experienced in war:

49 We challenge all the clans together to contend with us, and we boldly preclude their ſons from approaching the manſion of our children.

50 On the day, when we are anxious to protect our families, we keep vigilant guard, clad in complete ſteel;

51 But

51 But on the day, when we have no ſuch anxiety for them, our legions aſſemble in full council,

52 Led by a chief among the deſcendants of JOSHAM the ſon of BECR, we bruiſe our adverſaries, both the weak and the ſtrong.

53 * Oh ! the nations remember not the time, when we bowed the neck, or ever flagged in the conflict.

54 Oh ! let no people be infatuated and violent againſt us ; for we will requite their infatuation, which ſurpaſſes the folly of the moſt fooliſh.

55 On what pretence, O AMRU, ſon of HINDA, ſhould we be ſubject to the ſovereign, whom thou wouldſt place over us ?

56 By what pretence, O AMRU, ſon of HINDA, doſt thou yield to our calumniators, and treat us with indignity ?

57 Thou haſt menaced us : thou haſt thought to intimidate us ; but gently, O king ! ſay, when were we ever the vaſſals of thy mother !

58 Our javelins, O AMRU, diſdain to relax their vehemence before thee in aſſailing our foes :

59 Whenever a man uſes force to bend them, they ſtart back, and become inflexibly rigid,

60 So rigid, that, when they return to their former ſtate, they ring with a ſhrill noiſe, piercing the neck and forehead of him who touches them.

61 Haſt

61 Haſt thou ever been informed, that JOSHAM, the ſon of BECR, in battles anciently fought, was at any time remiſs?

62 We have inherited the renown of ALKAMA, the ſon of SAIF, who by dint of valour obtained admiſſion for us into the caſtles of glory.

63 We are heirs to MOHALHIL, and to ZOHEIR the flower of his tribe: O of how noble a treaſure were they the preſervers!

64 From ATTAB alſo and from CELTHUM we have received the inheritance tranſmitted from their progenitors.

65 By DHU'LBORRA, of whoſe fame thou haſt heard the report, have we been protected; and through him we protect thoſe who ſeek our aid.

66 Before him the adventurous COLEIB ſprung from us: and what ſpecies of glory is there, which we have not attained?

67 When our antagoniſts twiſt againſt us the cords *of battle*, either we burſt the knot, or rend the necks of our opponents.

68 We ſhall be found the firmeſt of tribes in keeping our defenſive alliance, and the moſt faithful in obſerving the bond of our treaties.

69 When the flames were kindled in the mountain, on the morning of an excurſion, we gave ſuccour more important than the aid of other allies.

70 To give immediate relief, we kept all our herds confined in DHU

ORATHEI, until our milch-camels of a noble breed were forced to graze on withered herbs.

71 We protect with generoſity the man who ſubmits to us, but chaſtiſe with firmneſs him, by whom we are inſulted.

72 We reject the offers of thoſe who have diſpleaſed us, but accept the preſents of thoſe with whom we are ſatisfied.

73 We ſuccoured the right wing, when our troops engaged in combat, and our valiant brothers gave ſupport to the left.

74 They made a fierce attack againſt the legions which oppoſed them, and we not leſs fiercely aſſailed the ſquadrons by which we were oppoſed.

75 They returned with booty and with rich ſpoils, and the ſons of kings were among our captives.

76 To you, O deſcendants of BECR, to you we addreſs ourſelves: have you not yet learned the truth concerning us?

77 Have you not experienced, with what impetuoſity our troops have attacked your troops, with what force they have darted their javelins?

78 We are armed with bright ſabres, and clad in habergeons made in YEMEN; our cimeters are part ſtrait, part bent.

79 We have coats of mail, that glitter like lightning; the plaits of which are ſeen in wrinkles above our belts:

80 When

80 When at any time our heroes put them off, you may ſee their ſkin blackened with the preſſure of the ſteel.

81 The plaits of our hawberks reſemble the ſurface of a pool, which the winds have ruffled in their courſe.

82 On the morning of attack, we are born into the field on ſhort-haired ſteeds, which have been known to us from the time when we weaned them, and which we reſcued from our foes, after they had been taken.

83 * They ruſh to the fight, armed with breaſt-plates of ſteel; they leave it with their manes diſheveled and duſty, and the reins, tied in knots, lie on their necks.

84 We inherited this excellent breed from our virtuous anceſtors and, on our death, they will be inherited by our ſons.

85 All the tribes of MAAD perfectly know, when their tents are pitched in the well-watered valleys,

86 That we ſupport the diſtreſſed in every barren year; and are bountiful to ſuch as ſolicit our bounty;

87 * That we defend the oppreſſed, when we think it juſt; and fix our abode in ARABIA, where we find it convenient;

88 That we give ſuccour to thoſe who are near us, when the bright cimeters make the eyes of our heroes wink.

89 We entertain ſtrangers at our board whenever we are able; but we hurl deſtruction on thoſe who approach us hoſtilely.

90 We are the tribe who drink water from the cleareſt brooks; whilſt other clans are forced to drink it foul and muddy.

91 Go, aſk the ſons of TAMAH and of DOMIA, how they have found us in the conflict!

92 Behind us come our lovely, our charming, damſels, whom we guard ſo vigilantly, that they cannot be made captive, or even treated with diſreſpect;

93 Fair maidens deſcended from JOSHAM, the ſon of BECR, who comprise every ſpecies of beauty, both in the opinion of men and in truth:

94 They have exacted a promiſe from their huſbands, that, when they engaged with the hoſtile legions, diſtinguiſhed by marks of valour,

95 They would bring back, as ſpoils, coats of mail and cimeters, and captives led chained in pairs.

96 * Thou mayſt behold us ſallying forth into the open plain, whilſt every other tribe ſeeks auxiliaries through fear of our proweſs.

97 When our damſels are on foot, they walk with graceful motions, and wave their bodies like thoſe of libertines heated with wine.

98 They feed with their fair hands our courſers of noble birth, and ſay to us, "You are no huſbands of ours, unleſs you protect us "from the foe."

99 Yes;

99 Yes; if we defend not them, we retain no poſſeſſions of value after their loſs, nor do we think even life deſirable:

100 But nothing can afford our ſweet maids ſo ſure a protection as the ſtrokes of our ſabres, which make mens' arms fly off like the claſhing wands of playful boys.

101 * We ſeem, when our drawn cimeters are diſplayed, to protect all mankind, as fathers protect their children.

102 * Our heroes roll the heads of their enemies, as the ſtrong well-made youths roll their balls in the ſmooth vale.

103 This world is ours, and all that appears on the face of it; and, when we do attack, we attack with irreſiſtible force.

104 When a tyrant oppreſſes and inſults a nation, we diſdain to degrade ourſelves by ſubmitting to his will.

105 We have been called injurious, although we have injured no man; but, if they perſiſt in calumniating us, we will ſhow the vehemence of our anger.

106 As ſoon as a child of our tribe is weaned from his mother, the loftieſt chiefs of other clans bend the knee, and pay him homage.

107 We force our enemies to taſte the unmixed draught of death; and heavy is the overthrow of our adverſaries in battle.

108 We fill the earth with our tents, until it becomes too narrow to contain them; and cover the ſurface of the ocean with our ſhips.

THE

THE

POEM

OF

HARETH.

THE ARGUMENT.

WHEN AMRU had finiſhed his extravagant panegyrick on the tribe of TAGLEB, and had received the loud applauſe of his own party, HARETH aroſe; and pronounced the following poem, or ſpeech in verſe, which he delivered, according to ſome authors, without any meditation, but which, as others aſſert with greater appearance of probability, he had prepared and gotten by heart.

Although, if we believe ASMAI, the poet was conſiderably above a hundred years old at this time, yet he is ſaid to have poured forth his couplets with ſuch boiling ardour, that, without perceiving it, *he cut his hand with the ſtring of his bow, on which,* after the manner of the *Arabian* orators, *he leaned, while he was ſpeaking*.

Whatever was his age, the wiſdom and art of his compoſition are finely contraſted with the youthful imprudence of his adverſary, who muſt have exaſperated the king, inſtead of conciliating his good will, and ſeems even to have menaced the very man, from whom he was aſking a favourable judgement. HARETH, on the contrary, begins with complimenting the queen, whoſe name was ASOMA, and who heard him behind the tapiſtry: he appears alſo to have introduced another of his favourites, HINDA, merely

merely becaufe that was the name of the king's mother; and he celebrates the monarch himfelf as a model of juftice, valour, and magnanimity. The defcription of his camel, which he interweaves according to cuftom, is very fhort; and, he opens the defence of his tribe with coolnefs and moderation; but as he proceeds, his indignation feems to be kindled, and the reft of his harangue confifts of fharp expoftulations, and bitter farcafms, not without much found reafoning, and a number of allufions to facts, which cannot but be imperfectly known to us, though they muft have been frefh in the memory of his hearers. The general fcope of his argument is, that no blame was juftly imputable to the fons of BECR for the many calamities, which the TAGLEBITES had endured, and which had been principally occafioned by their own fupinenefs and indifcretion. This oration, or poem, or whatever it may be denominated, had its full effect on the mind of the royal umpire, who decided the caufe in favour of the BECRITES, and loft his life for a decifion apparently juft. He muft have remarked the fiery fpirit of the poet AMRU from the ftyle of his eloquence, as CÆSAR firft difcovered the impetuous vehemence of BRUTUS's temper from his fpeech, delivered at *Nice*, in favour of king *Deiotarus*; but neither the *Arabian*, nor the *Roman*, tyrant were fufficiently on their guard againft men, whom they had irritated even to fury.

This poem is compofed in *light* verfe, or metre of the *eleventh* clafs, confifting of epitrites, ionick feet, and pæons, varioufly intermixed, as in this form:

"Amarylli, | dulci lyrâ | modulare
"Molle carmen | fub arbore | fufa facrâ."

Sometimes a moloffus ends the diftich, as,

"Dulce carmen | fub arbore | fufa facrâ
"Modulare, | dum fylvulæ | refpondent."

The clofe of a couplet in this meafure has often the cadence of a *Latin* or *Greek* hexameter: thus, v. 20.

Tis-hâli khâilin khilâla dhâca rogâo.

That is, literally,

Hinnitûs modulantur equi, fremitûfque cameli.

THE

THE

POEM

OF

HARETH.

1 DOTH fair ASOMA give us notice of her departure? Oh, why are ſojourners ſo frequently weary of their ſojourning!

2 *She is reſolved to depart* after our mutual vows among the ſandy hillocks of SHAMMA, and in the nearer ſtation of KHALSA;

3 *Vows, repeated in* MOHAYAT, SIFAH, and AGLAI, in DHU FITAK, ADHIB and WAFA,

4 *Vows, renewed* in the bowers of KATHA, and the dales of SHOREIB, in the Two Valleys, and in the plains of AYLA.

5 I ſee no remains of the troth which ſhe plighted in thoſe ſtations; and I waſte the day in tears, frantick with grief: but oh! what part of my happineſs will tears reſtore?

6 Yet, O HARETH, *a new paſſion invites thee*; for HINDA is before thy eyes, and the fire, which ſhe kindles at night in the hills, will direct thee to her abode:

7 She

7 She kindles it with abundance of wood between the hilly ſtations of AKEIK and SHAKHSEIN, and it blazes like the ſplendour of the ſun.

8 I have been contemplating her fire from a diſtance on the hill, whence our excurſions are made; but oh! the ſcorching heat, and the calamities of war, prevent me from approaching her.

9 But I ſeek aſſiſtance in diſpelling my care, when the ſojourner of the tent haſtily leaves his abode *through fear of ſome impending calamity*,

10 On a camel ſwift as an oſtrich, the mother of many young ones, the long-necked inhabitant of the deſert,

11 Who hears a ſoft ſound, and dreads the approach of the hunter, in the afternoon juſt before the duſk of evening:

12 Then mayſt thou ſee behind her, from the quick motion of her legs, and the force with which ſhe ſtrikes the earth, a cloud of duſt thin as the goſſamer;

13 And the traces of her hoofs, which are ſuch as to be ſoon effaced by the winds blowing over the ſandy plain.

14 With her I diſport myſelf in the ſultry noon, whilſt every ſon of valour is like a blind camel devoted to death.

15 Yet misfortunes and evil tidings have brought on us affairs, which give us affliction and anguiſh;

16 For

16 For our brethren, the family of ARAKEM, *the dragon-eyed*, have tranſgreſſed the bounds of juſtice againſt us, and have been vehement in their invectives:

17 They have confounded the blameleſs among us with the guilty, and the moſt perfect innocence has not eſcaped their cenſure.

18 They have inſiſted, that all, who pitch their tents in the deſert, are our aſſociates, and that we are involved in their offences.

19 They aſſembled their forces at night, and, as ſoon as the dawn appeared, there was nothing heard among them but a tumultuous noiſe

20 Of thoſe who called, and thoſe who anſwered; the neighing of horſes, and, among the reſt, the lowing of camels.

21 O thou, who adorneſt thy flowery ſpeeches concerning us before AMRU, can this falſhood be long undetected?

22 Imagine not that thy inſtigation will animate him againſt us, or humiliate us; ſince long before thee our enemies have openly calumniated us,

23 Yet we continued advancing ourſelves in defiance of their hate, with laudable ſelf-ſufficiency and exalted reputation.

24 Before this day, the eyes of nations have been dazzled by our glory, and have been moved with envious indignation and obſtinate reſentment.

25 Fortune ſeemed to raiſe for us a dark rock, with a pointed ſummit, diſpelling the clouds,

26 Thick and firm, ſecured from calamity, not to be weakened by any diſaſter however grievous and violent.

27 * Intruſt to our wiſdom every momentous affair, from which you deſire to be extricated, and by which the aſſemblies of chiefs are made unhappy.

28 * If you inquire concerning our wars between MILAHA and DHAKIB, you will find on their plains many an unavenged, and many an avenged, corſe:

29 * Or, if you examine diligently the queſtions, in which all tribes are deeply intereſted, you will ſee the difference between your offences and our innocence:

30 * But if you decline *this fair diſcuſſion,* we ſhall turn from you with reſentment, concealing hatred in our boſoms as the mote is concealed in the cloſed eye-lids.

31 * Reject, if you pleaſe, the terms which we offer; but of whom have you heard, that ſurpaſſes us in glory?

32 * You have perfectly known us on the days, when the warriours have aſſailed one another with rapacious violence, when every tribe has raiſed a tumultuous din;

33 * When we brought up our camels from the palm-groves of BAHREIN, and drove them by rapid marches, till we reached the plain of HISA.

34 Then we advanced againſt the ſons of TAMEIM, and, when the ſacred month required a ceſſation of our war, we carried away the daughters of their tribe for our handmaids.

35 *In oppoſition to us,* neither could the valiant man keep his ground on the level field, nor did precipitate flight avail the faint-hearted.

36 No; the coward, who ran haſtily from the plain, was not ſaved by the ſummit of rocks or the roughneſs of craggy paths.

37 By theſe exertions we maintained our pre-eminence over the tribes, until MONDIR, ſon of the beautiful MAISEMA, obtained the dominion:

38 He was a prince, who bore witneſs to our valour on the day of HAYARAIN, when the calamity of war was, in truth, a calamity:

39 A prince who ſubjected nations; whoſe equal in magnanimity could not be found among them.

40 Deſiſt then from vaunting and from hoſtility: you have, indeed, pretended ignorance of our claims, but from that pretended ignorance will proceed your wo.

41 Remember well the oaths taken in DHU'LMEJAAZ, the covenants and vows of amity, which were made there of old.

42 Beware of injuſtice and violence; nor let your intemperate paſſions impel you to violate your contracts written on tablets.

43 Know, that we and you, on the day when we made our treaty, were equally bound by our reſpective engagements.

44 Are

44 Are we reſponſible for the crimes of CANDA? Shall their conquering chief have the ſpoils, and ſhall repriſals be made upon us?

45 Are we reſponſible for the exceſſes of HANEIFA, and for all the conflicts, which the duſty plain has ſeen accumulated?

46 Muſt we anſwer for the offences of the ſons of ATEIK? No: whoever has broken his covenant, we are innocent of their war.

47 Doth the guilt of IBAAD hang on our heads, as the burden is ſuſpended on the centre of the camel's girths?

48 Has the blame due to KODHAA fallen upon us? or, rather, are we not ſecure from a ſingle drop of their faults?

49 Are we reſponſible for the crimes of IYAAD, as it was ſaid to the tribe of THASM, "Your brethren are rebels?"

50 Thoſe, who raiſed the diſſenſion, belong not to us, neither KAIS, nor JONDAL, nor HADDA.

51 Vain pretexts! Unjuſt aſperſions! *That we ſhould ſuffer for others*, as the roe is ſacrificed in the place of the ſheep!

52 Fourſcore warriours, indeed, advanced from TAMEIM, and their hands carried lances, whoſe points were Fate;

53 Yet, they profaned not the hallowed places of the ſons of RIZAAH on the hills of NITAA, when they called on them for mercy:

54 They

54 They left them, however, wounded on the plain, and returned with captive herds and flocks ſo numerous, that the drivers of them were deafened with their cries.

55 The vanquiſhed tribe came afterwards to implore reſtitution, but not a ſingle beaſt, either black or of a bright hue, was reſtored to them:

56 So they retired with heart-breaking afflictions, nor could any ſtream of water quench their ardent rage:

57 After this, a troop of horſemen, led by the impetuous GHALLAAK, aſſailed them without remorſe or pity:

58 Full many a ſon of TAGLEB has been ſmitten, whoſe blood has flowed unrevenged, while the black duſt covered his corſe.

59 Are your cares comparable to thoſe of our tribe, when MONDIR waged war againſt them? Are we, *like you*, become ſubject to the ſon of HINDA?

60 When he fixed his abode in the lofty turrets of MAISUNA, and ſojourned in the nearer ſtation of KHALTHA,

61 From every tribe there flocked around him a company of robbers, impetuous as eagles:

62 He led them on, and ſupplied them with dates and with water: ſo the will of GOD was accompliſhed, and afflicted men doomed to affliction.

63 Then

63 Then you invited them to attack you by your want of circumſpection, and the vain ſecurity of your intemperate joy impelled them to be hoſtile.

64 They ſurpriſed you not, indeed, by a ſudden aſſault; but *they advanced, and* the ſultry vapour of noon, *through which you ſaw them*, increaſed their magnitude.

65 O thou inveterate and glozing calumniator, who inveigheſt againſt us before king AMRU, will there be no end of thy unjuſt invectives?

66 Between AMRU and us many acts of amity have paſſed, and from all of them, no doubt, has benefit ariſen.

67 He is a juſt prince, and the moſt accompliſhed that walks the earth: all praiſe is below his merit:

68 A prince deſcended from IREM! A warriour, like him, ought ever to be encircled with troops of genii, for he protects his domain, and refuſes to puniſh even his opponents:

69 A monarch, who knows us by three infallible ſigns, by each of which our excellence is decided:

70 *The firſt is* the conſpicuous token of our valour, when all ARABIA come forth in the rocky vales, each tribe of MAAD under their banner,

71 And aſſembled, in complete armour, round the warlike KAIS, that valiant prince of YEMEN, who ſtood *firm and brilliant* like a white cliff.

72 Then

72 Then came a legion of high-born youths, whom nothing could reſtrain but our long and glittering ſpears;

73 But we repelled them with ſtrokes, *which made their blood guſh from their ſides*, as the water ſtreams from the mouth of a bottle which contains it.

74 We drove them for refuge to the craggy hills of THAHLAAN; we thruſt them before us, till the muſcles of their thighs were breeched in gore.

75 We did with them a deed, the name of which GOD only knows; and no revenge could be taken for the blood of men who ſought their own fate.

76 Next advanced HOJAR, ſon of OMMI KATHAAM, with an army of PERSIANS, clad in diſcoloured braſs,

77 A lion in the conflict, of a ruddy hue, trampling on his prey; but a vernal ſeaſon of beneficence in every barren year:

78 Yet we ſmote them on the foreheads with the edges of our cimeters, which quivered in their fleſh like buckets drawn from a deep well encircled with ſtone.

79 *Secondly*, we broke the chains of AMRIOLKAIS, after his long impriſonment and anguiſh.

80 We forcibly revenged the death of MONDIR on the king of GASSAAN, that his blood might not flow in vain.

81 We redeemed our captives with nine kings of illuſtrious race, whoſe ſpoils were exceedingly precious.

82 With the horſes, with the dark horſes, of the ſons of AUS came whole ſquadrons, fierce as eagles with crooked beaks :

83 We ſcarce had paſſed through the cloud of duſt, when they turned their backs ; and then how dreadfully blazed the fire of our vengeance !

84 *Laſtly,* we gave birth to AMRU the ſon of OMM AYAAS, for not long ago were the bridal gifts preſented to us *as kinſmen :*

85 May our faithful admonition reach all our kindred tribes, extended as wide as our conſanguinity, in plains beyond plains !

وَجِيدٍ كَجِيدِ الرِّئْمِ لَيْسَ بِفَاحِشٍ
إِذَا هِيَ نَصَّتْهُ وَلَا بِمُعَطَّلِ

الجيد العنق والظبي الابيض الخالص البياض شبه
بعنق الظبية ونصّته رفعته والمعطل الذي لا
حلي عليه ومثله العطل وقوله ليس بفاحش اي
ليس بكريه المنظر واذا ظرف لقوله ليس بفاحش

وَفَرْعٍ يَزِينُ الْمَتْنَ أَسْوَدَ فَاحِمٍ
أَثِيثٍ كَقِنْوِ النَّخْلَةِ الْمُتَعَثْكِلِ

الفرع الشعر التام والمتن والمتنة ما عن يمين
الصلب وشماله من العصب واللحم والفاحم الشديد
السواد والاثيث الكثير اصل النبات والقنوان والقنو والقنا
العذق وهو الشمراخ والمتعثكل الذي قد دخل بعضه
في بعض لكثرته من العثكال والعثكول وهو الشمراخ
وقيل المتعثكل هو المتدلي النازل الى تحت

غَدَائِرُهَا مُسْتَشْزِرَاتٌ إِلَى الْعُلَى
تَضِلُّ الْعِقَاصُ فِي مُثَنًّى وَمُرْسَلِ

الغدائر الذوائب واحدها غديرة ومستشزرات مرفوعات
واصل الشزر الفتل على غير جهة لكثرتها وقوله الى
العلا اي ما فوقها والعقاص جمع عقصة وهو ما جمع من
الشعر فجعل تحت الذوائب وهي سنطة معروفة يرسلونها
فيها بعض الشعر ويثنون بعضه فالذي فتل بعضه

ORIGINALS.

KÁLA

AMRIOLKAISI

ALCENDIYYO.

1 kifá nebci min dhicraí hhabeíbiń wamenzili
biſikth́i álliwaí baína áldahhúli fahhaúmeli

2 fatúdh́ihha fálmikráh́i lam yâſo reſmohá
limá naſijat-há min jenúbiń waſhemáli

3 wokúfáń bihá śahhbeí âlayyi mathíyyahom
yekúlúna lá tahlic áſyań watehhammali

4 waïnna ſhifáyi âbrah́oń moharákah́oń
fahal înda reſmiń dáriſiń min moâwwali

5 cadábica min ómmi álhhowaírithi kablahá
wajáratihá ómmi álrabábi bimáſali

6 ídhá kámatá tadh́awwaâ álmiſco minhomá
naſeíma ál ſebá jaát birayyá álkaranfoli

7 fafádhat domúô álâíni minneí sabábahan
âlái álnahhri hhattái balla demâeí mihhmeli

8 álá rubba yaúmin leca minhonna sálahhin
welá ſiyyamá yaúmon bidárati juljuli

9 wayaúma âkarto lilâdháraí mathíyyateí
fayá âjabá min cúrihá álmotahhammali

10 fadhalla álâdháraí yertameína bilahhmihá
waſhahhmin cahodábi áldimekſi álmofattali

11 wayaúma dakhalta álkhidra khidra ônaízahin
fakálat leca álwaíláto ínnaca murjali

12 tekúlo wakad mála álgabeíto biná maâán
âkarta baêíreí yá ámri álkaíſi fánzeli

13 fakolto lehá ſeíreí waárkheí zimámaho
walá tobâdeíneí ân jenáci álmoâllali

14 famithlici hhoblaí kad thárakto wamurdhiîn
faálhaítohá ân dheí temáyima mohhwili

15 ídhá má becaí min khalfihá ínsaraft leho
biſhikkin watahhteí ſhikkohá lam-yohhawwali

16 wayaúmán âlaí dhahri álcatheíbi taâdhdharat
âlayyi waálat hhilfahan lam tohhallali

17 áfáthíma mahlán bâdha hadhá áltedallali
waín conti kad ázmâti sormaeí fájmili

18 waïn teco kad ſaátci minneí khaleíkaho'n
faſolleí thiyábeí min thiyábici tenſali

19 ágarraci minneí ánna hhubbaci kátileí
waïnnaci mahmá támerí álkalba yafâli

20 wamá dharafat âínáci íllá litadh'ribeí
biſahmaíci feí ââſhári kalbi'n mokattali

21 wabaídhah'o khidri'n lá yorámo khibáwohá
temattâto min lehwi'n bihá ghaíra môjali

22 tejáwazto áhhráſá'n ílaíhá wamâſherá'n
âlayyi hhirás'á'n laú yoſirrúna maktaleî

23 ídhá má álthurayyá feí álſemáï taârradh'at
taârradh'a áthnáï álwiſháhhi álmofas's'ali

24 fajeíto wakad nadh'dh'at linaúmi'n thiyábahá
ledaí álſitri íllá libſati álmotafadh'ali

25 fakálat yemaína állahi má leca hheílah'o'n
wamá ín áraí ânca álgawáyah'a tanjaleí

26 fakomto bihá ámſheí tajorro waraáná
âlaí áthraíná ádhyála mirthín morajjali

27 falemmá ájazná ſáhhah'a álhayyi wántahheí
biná bath'no khabti'n dheí kifáfi'n âkankali

28 has'arto bifaúdaí ráſihá fatamáyalat
âlayyi hadh'eíma álcaſh-hhi rayyá álmokhalkhali

29 mohafhafahoń baídh́áo ghaíro mofádh́ah́iń
teráeíbohá maśkúlah́oń cálſajanjali

30 cabicri álmokánáh́i álbayádh́i biśofrah́iń
gadháha nemeíro álmáï gaíra mohhallali

31 taśuddo watobdeí ân áſeílin̂ watetakeí
binádh̋irah́iń min wahhſhi wejraha moth́fili

32 wajeídin cajeídi álreími laíſa bifáhhiſhiń
ídhá heía naśśat-ho welá bimoâth́th́ali

33 wafarîń yazeíno álmatna áſwada fáhhimiń
átheíth́iń cakinwi álnakhlah́i álmotaâthcíli

34 gadáyirohá moſtaſhzirah́oń ílaí álôlaí
tadh́illo álîkáśo feí mothannyań wamurſali

35 wacaſh-hhiń latheíſiń cáljadeíli mokhaśśariń
waſákiń caánbúbi álſakiyyi álmodhallali

36 wafodh́-hheí fateíto álmiſci faúka firaſhihá
nauúmo áldh́ohhaí lam tantathik ân tafadh́dh́oli

37 watâthú birakhśiń gaíri ſhathniń caïnnaho
áſáreíô dh̋abyiń áú meſáweíco ís-hhili

38 tadh́iyo áldh̋eláma biálîſháï caïnnahá
menárah́o momſaí ráhibiń motabattili

39 ílaí mithlihá yernú álhhaleímo śabábah́ań
ídhá má áſbacarrat baína dirîń wamijwali

40 taſallat âmáyáto álrijáli ân álśibái
walaíſa fawádeí ân hawáci bimunſali

41 ílá rubba khaśmiń feíci álwaí radadtoho
naśeíhhiń âlaí tâdhálihí gaíri mútali

42 walaíliń camaúji álbahhri árkhaí ſodúlaho
âlayyi biánwáî álhomúmi liyabtaleí

43 fakolto leho lemmá tamatht́haí biśolbihi
waárdafa áâjázáń wanáa bicalcali

44 álá áyyohá állaílo áltháweílo álá ánjaleí
biśobhhiń wamá áláśbáhho minça biámthali

45 fayá leca min laíliń caínna nojúmaho
biámraſiń cittániń ílaí śommi jandali

46 wakad ágtadeí wálthaíro feí wocanátihá
bimonjirdiń kaída áláwábidi haícali

47 micarriń mifarriń mokbiliń modbiriń maâáń
cajolmúdi śakhriń hhatht́haho álſaílo min âli

48 comaítiń yazillo állibdo ân hhádhi matnihi
camá zallati álśafwáo biálmotanazzili

49 âlaí áldhabli jayyáſhiń caínna áhtizámoho
ídhá jáſha feíhi hhamyoho galyo mirjali

50 miſahhiń ídhá má álſábihhato âlaí álwanaí
átharna álgibáráń biálcadeídi álmoraccali

51 yezillo álgolámo álkhiffo ân śahawátihi
wayolweí biáthwábi álâneífi álmothakkali

52 dereíriń cakhadhrúfi álwaleídi ámarraho
tetáboô caffaíhi bikhaíth́iń mowaśśali

53 leho áyth́alá dh̋abyiń wafáká noâmah́iń
waírkháo ſirhhániń watakreíbo tutfali

54 dh́aleíïń ídhá áſtadbartaho ſadda farjaho
bidh́áfiń fowaíka álardh́i laíſa biáâzali

55 caïńna ſerátaho ledaí álbaíti káyimáń
medáca ârúſiń áú śaláyata hhandh̋ali

56 caïńna dimáo álhádiyáti binahhrihi
ôśárah́o hhinnáïń biſhaíbiń morajjali

57 faânna lená ſirboń caïńna niââjaho
âdháraï duwáriń feí meláïń modhayyali

58 faádbarna cáljazî álmofaśśali baínahi
bijeídiń miâmmiń feí álâſheírah́i makhwali

59 faálhhakaná biálhádiyáti wadúnaho
jawáhhirohá feí śarrah́iń lam tazayyali

60 faââdaí îdááń baína thúriń wanâjatiń
dirácáń walam yondh́ahh bimáïń fayogſali

61 fadh̋alla thóháto állahhmi min baíni mundh́ijiń
dh́afeífi ſhiwáïń áú kadeíriń moâjjali

62 waruhhná yecádo álthárfo yakśoro dúnaho
metaí ṁá tarakkaí álâíno feíhi taſah-hali

63 fabáta âlaíhi ſerjoho walijámoho
wabáta biâínaí káyimáń gaíro murſali

64 áśáhha teraí barkáń óreíca wameidh́aho
calamî ályadeíni feí hhabbiyyiń mocallali

65 yodh́iyya ſenáho áú meśábeíhho ráhibiń
áhána álſeleítha biáldhobáli álmofattali

66 kaâdto leho waśohhbateí baína dh́arijiń
wabaína álâdhaíbi bôda má motaámmali

67 âlaí kathaniń biálſhaími áymena śaúbihi
waáyſeroho âlaí álſitári fayadhbuli

68 faádh́-hhaí yaſohho álmáo hhaúla cotaíſih́in
yacabbo âlaí áládhkáni daúhha álcanahbuli

69 wamarra âlaí álkanáni min nefayánihi
faánzala minho álôśma min culli menzili

70 watáimáa lam yatroc bihá jidhâ nakhlah́iń
welá ójomán íllá maſheídáń bijendali

71 caínna thebeíráń feí âráneíni wablihi
cabeíro ónáſiń feí bijádi mozammali

72 caínna dhuraị ráſo álmojaímiri godwah́ań
mina álſaíli wálgoththâï filcahó migzali

73 waálkaí bisahhráï álgibaíthi baâáâho
nozúla ályemáneí dheí álîyábi álmohhammali

74 caḯnna mecáciyya áljiwáï godayyah́ań
śobihhna ſoláfáń min rahheíki mofalfali

75 caḯnna álſibáâ feíhi gharkaí âſhiyyah́ań
biárjáyihi álkiśwaí ánábeíſho ónśoli

WAKALA

KÁLA

TH́ARAFAH́OŃ

ALBECRIYYO.

1 likhaúlah́a áth́láloń biborkah́a thahmedi
telúhho cabákeí álwaſhmi feí dh̋áhiri ályedi

2 wokúfáń bihá śahhbeí âlayyi math́iyyihom
yekúlúna lá tahlic áſyań watejalledi

3 caínna hhodúja álmáleciyyah́i gudwah́ań
khaláyá ſefeíniń biálnawáśafi min dedi

4 âdhúliyah́iń áú min ſefeíni íbni yáminiń
yejúro bihá álmelláhho th́úráń wayahtedi

5 yaſhokka hhabába álmáï hhaízúmohá bihá
camá kaſama áltorba álmofáwilo biályedi

6 wafeí álhhayyi áhhwaí yanfodho álmerda ſhádinoń
medh̋áhiro ſemth́aí lúlúïń wazabarjedi

7 khadhúliń toráêi rebrebáń bikhameílah́iń
tonáwilo áth́ráfa álbereíri watertedi

8 watabſimo ân álmaí caïnna monawwerán
takhallala hharra álremli dîśoń leho nedi

9 ſakat-ho íyáh́o álſhemſi íllá lothátihi
áſiffa walam tacadmi âlaíhi biáthmedi

10 wawejhiń caïnna álſhemſa hhallat ridáahá
âlaíhi nikeí állaúni lam yatakhaddedi

11 waïnneí leámdh́eí álhomma înda áhhtidh́árihi
biâújáï mirkáliń terúhho watagtedi

12 ámúniń cálwáhhi álárání neſátohá
âlaí láhhibiń caïnnaho dh̋ahra borjedi

13 tobáreí îtákáń nájiyátiń waátbaât
wadh̋eífáń wadh̋eífáń faúka maúriń moâbbedi

14 terábbaîta álkoffaíni biálſhúli tertaêí
hhadáyika maúleí áláſirrah́i ághyedi

15 tereíô ílaí śúti álmoheíbi watetakeí
bidheí khośaliń rúââta áclafi mulbedi

16 caïnna jonáhhaí madh́rajiyyi tecanafá
khafáfeíhi ſhuccá feí álâſeíbi bimaſredi

17 fath́úráń bihi khalfa álzemeíli watáratáń
âlaí khaſhafiń cálſhinna záwiń mojaddedi

18 lehá fakhadáni ácmola álnahhdh́o feíhomá
caḯnnahomá bábá meneífiń momarredi

19 watháyyi mehháliń cálhhoniyyi khalúfoho
waájronah́iń lozzat bidáyiń monadh́dh́edi

20 caḯnna cináſaí dh́álah́iń yacnofánihá
waáth́ra kiſſiyyáń tahhta śolbiń mowayyedi

21 lehá mirfakáni áftiláni caḯnnamá
temorro biſelmaí dálijiń motaſhaddedi

22 cakanth́arih́a álrúmiyyi ákſama rabbohá
letoctanafá hhattaí toſháda bikermedi

23 śohábiyyah́i álâthnúna mújedah́o álkeraí
baêídah́o wakhdi álrijli mawwárah́o ályedi

24 ómirrat yedáhá fatlo ſhezriń waájnihhat
lehá âdh́odáhá feí ſakeífiń moſannedi

25 jenúhhoń difákoń ândeloń thomma ófrigat
lehá citafáhá feí maââliyo mośaââdi

26 caḯnna ôlúbi álnisî feí daáyátihá
mawárida min khalkáï feí dh̋ahri kerdedi

27 tolákeí waáhhyánáń tebeíno caḯnnahá
benáyiko gorriń feí kameísin mokaddedi

28 waátlaô nehádh́oń ídhá śaâdat bihi
caſucáni búśiyyiń bidejlah́a moſîdi

29 wajumjumah́iń mithla álâláh́i caïnnamá
waâaí álmoltakeí minhá ílaí jarfi mabredi

30 wakh́addoń cakirt́háſi álſhámiyyi wamiſhfariń
caſebti ályemáneí kaddoho lam yojaddedi

31 waâínáni cálmaáwwitaíni áſtacannatá
bicahfeí hhijájiń śakhrah́iń kalti maúridi

32 t́hahhúráno âwári álkadhaí fateráhomá
camachhúlataí madhûúrah́iń ómma ferkedi

33 waśádikatá ſamâa áltawájjiſo lilſoraí
lihajſiń khaffiyyiń áú liśaútiń monaddedi

34 mowallalatáni târifo álîtka feíhomá
caſámiâtaí ſháhiń bihhaúmeli mofredi

35 waárwaô nebbádh́iń áhhadhdhoń molemlemoń
camirdáti śakhriń feí śafeíhhiń mośammedi

36 waín ſheíta ſámaí wáſit́ha álcúri ráſohá
waâánat bidh́abâíhá nejáa álkhafaídedi

37 waín ſheíta lam torkil waín ſheíto árkalat
makháfah́a melwiyyiń mina álkaddi mohhśedi

38 waáâlamoń makhrútiń mina álánfi márinoń
âteíkoń metaí torjam bihi álárdh́o tazdedi

39 âlaí mithlihá ámdhaí ídhá kála śáhhibeí
álá laítaneí áfdeíca minh́á waáftedeí

40 wajáſhat ílaíhi álnaffo khaúfáń wakhálaho
mośábáń walaú ámſaí âlaí gaíri merśedi

41 ídhá álkaúmi kálúá men fatyań khilto ínnaneí
ôneíto falam ácſel walam átabelledi

42 áhhalto âlaíhá biálkatheíî faájdhamat
wakad khabba álo álámâzi álmotawakkedi

43 fadhálat camá dhálat waleídaho mejliſiń
toreí rabbohá ádhyála ſahhliń momaddedi

44 waleſto bihhelláli áltiláî mekháfahań
walecin metaí yeſterfidi álkaúmo árfedi

45 waín tabigneí feí hhalkahi álkaúmi telkaneí
waín tektaniśneí feí álhhawáneíti teśthedi

46 metaí tátineí óśbihhca cáſáń rawiyyahań
waín conta ânhá gániyáń fágna wázdedi

47 waín yaltika álhhayyo áljameíô tolákineí
ílaí dhirwahi álbaíti álrafeíî álmośammedi

48 nedámáeí beídhoń cálnojúmi wakaínahoń
terúhho âlaíná baína bordiń wamojſedi

49 rahheíboń kithábo áljaíbi minha rakeíkoho
bijaſſi álnedámá badhdhaho álmotajarredi

50 ídhá nahhno kulná áſmaêíná ánbarat lená
âlaí raſlihá mathrúkahań lam toſhaddedi

51*52 wamá zála tiſhrábeí álkhomúra waladhdhateí
wabaíêí waínfákeí th́areífeí wamultedeí

53 ílaí án tehhámatneí álâſheírah́o cullohá
waófridto ífráda álbaêíri álmoâbbedi

54 ráyato beneí gabráa lá yencirúnaneí
walá áhli hadh́áca álth́iráfi álmomaddedi

55 álá áyyohodhá álláyimeí áhhdh́ora álwagaí
waán áſh-hadi álladhdháti hal ánta mukhledi

56 faín conta lá teſth́eíâ dafâ meniyyateí
fadâneí óbádirho bimá melecat yedi

57 falaúlá theláthoń honna min êíſhah́i álfátaí
wajaddica lam áhhfal metaí káma ôwwadeí

58 faminhonna ſebkeí álâádhiláto biſhurbeh́iń
comeítiń metaí má taglo biálmâï tezbedi

59 wacarreí ídhá nádeí álmodh́áfo mohhannibáń
caſeídi álgadh́á nebbahtoho álmotawarredi

60 watakśeíri yaúma áldojni wáldojno môjiboń
bibehnecah́iń tahhta álth́iráfi álmoâmmedi

61 caïnna álboraína wáldemáleíja ôllikat
âlaí ôſhoriń áú khirwaîń lam yokhadh́dh́edi

62 fadherneí árawweí hámeteí feí hhayátihá
mekháfah́a ſhirbiń feí álhhayáh́i mośarredi

63 careímoń yorawweí naffaho feí hhayátihi
ſetâlamo ín mutná gadáń áyyoná álśadeí

64 áraí kabra nehhámiń bekheíliń bimálihi
cakabri gawiyyiń feí álbitháleh́i muffedi

65 teraí jathwataíni min turábiń âlaíhomá
śefáyihho śommiń min śafeíhhiń monadh́dh́edi

66 áraí álmaúta yâtámo álcirâma wayaśth́afeí
âkeílah́a máli álfáhhiſhi álmotaſhaddedi

67 áraí áldehra canzáń nákiśáń culla laílah́iń
wamá tankośo áláyyámo wáldehro yanfodi

68 leâmroca ínna álmaúta má ákhth́á álfataí
leca álth́iwwalo álmurkhaí wathonyáho biályedi

69 famá leí áráneí wábna âmmieí málicáń
metaí ádno minho yaná ânneí wayabôdi

70 yelúmo wamá ádreí âláma yelúmoneí
camá lámaneí feí álhhayyi kertho ábno áâbedi

71 waáyáſaneí min culli khaírin th́alabtoho
caínna wadh́ânáho ílaí remſi mulhhedi

72 âlaí gaíri dhenbiń kultoho gaíra ínnaneí
naſhadto falam ágfal hhamúlah́a mâbedi

73 wakarrabto biálkorbaí wajaddica ínnaneí
metaí yeco ámroń lilneceíbah́i áſh-hedi

74 waïn ódâ liljollaí ácun min hhomátihá
waïn yática áláâdáo biáljehdi ájhedi

75 waïn yakdhífúá biálkadhî îrdh́ica áſkihom
bicáſi hhiyádh́i álmaúti kabla áltahaddodi

76 bilá hhadathiń áhhdathtoho wacamohhdithiń
hijáeí wakadhfeí biálſhicáh́i wamuth́redeí

77 falaú caná maúláya ímráń huwa gaíroho
lefarraja carbeí áú leándh́araneí gadeí

78 walecinna maúláya ímroń huwa khánikeí
âlaí álſhecri wáltiſáli áú áná muftedi

79 wadh́olmo dhaweï álkorbaí áſháddo madh́ádh́atań
âlaí álmera min wakî álhhiſámi álmohennedi

80 fadherneí wakholkeí ínnaneí leca ſháciroń
walaú hhalla baíti náyiáń înda dh́argedi

81 falaú ſháa rabbeí conto kaíſa íbna khálidiń
walaú ſháa rabbeí conto âmru íbna merthedi

82 faólfeíta dhá máliń catheíriń waâádaneí
benúna cirámiń ſádah́oń limaſawwedi

83 áná álrajolo áldh́arbi álladheí târifúnaho
kháſháſhoń caráſi álhhayyah́i álmotawakkidi

84 faálaíto lá yanfacco caſh-hheí beth́anah́ań
liâdh́bi rakeíki álſhafrataíni mohennedi

85 hhiſámoń ídhá má kumta muntaśiráń bihi
cafaí álûúdo minho álbeda laíſa bimâdh́edi

86* ákheí thikah́iń lá yanthineí ân dh́areíbah́iń
ídhá keíla mahláń kála hhájizoho kadeí

87 ídhá ábtadara álkaúmo álſóláhha wajadtaneí
meneíâán ídhá ballat bikáyimah́iń yedi

88 waberco hojúdiń kad áthárat mekháfateí
nawádiyahá ámſheí biâdh́biń mojarredi

89 famarrat coháh́oń dháto khaífiń jelálahań
âkeílah́o ſhaíkhiń cálwabeíli yelendedi

90 yekúlo wakad tarra álwadh́eifi waſákahá
áleſta teraí án kad áteíto bimaúyidi

91 wakála álá má dhá terúna biſháribiń
ſhedeídiń âlaíná nefyoho motaâmmedi

92 fakálúá dherúho ínnamá nefôhá leho
waíllá tereddúá káśiya álburci yezdedi

93 fadh́alla álámáo yemtelilna hhuwárahá
wayaſâí âlaíná biálſadeíſi álmoſarhedi

94 faíń mutto fánieîneí bimá áná áhloho
waſhakkeí âlayyi áljaíba yá bneh́a mâbedi

95 walá tajâleíneí caímraí laíſa hammoho
cihammeí walá yogneí gináyeí wamaſh-hedi

96 bathiyań âni áljollaí ſereíîn ílaí álkhaná
dheleíliń biájmáî álrijáli moleh-hedi

97 falaú conto wagláń feí álrijáli ledh́arrańeí
âdáwah́i dheí áláśhhábi wálmotawahhedi

98 walacin nafaí ânneí álrijála jerátaeí
âlaíhim waíkdámeí waśidkeí wamahhtedi

99 liâmrica má ámreí âlayyi bigummah́iń
niháreí walá laíleí âlayyi biſermedi

100 wayaúma hhabaſto álnaſſa înda áâtirácihá
hhifádh̋áń âlaí âúrátihi wálteheddodi

101 âlaí maúth́iniń yekhſhaí álfetaí îndaho álradaí
metaí tâtaric minho álferáyiśo tarêdi

102 waáśfara madh́búhhiń nedh̋arto hhawáraho
âlaí álnári wáſtaúdâtoho caffa mujmedi

103 ſetobdeí leca áláyyámo má conto jáhiláń
wayáteíca biálákhbári men lam tozawwedi

KÁLA

ZOHAÍROŃ

ALMÁZENIYYO.

1 áṃin ómmi áúfei dimnah́oń lam tecellami
bihhaúmánáti álderráji fálmotathellami

2 diyároń lehá biálrakmateíni caínnahá
merájeiô waſhmiń feí nawáſhiri mîſami

3 bihá álêíno wálárámo yomſheína khilfah́ań
waíth́láohá yanhadh́na min culli mejthami

4 wakafto bihá min bâdi îſhreína hhijah́ań
faláyáń ârafto áldára bâda tawah-homi

5 átháfeía ſofâán feí moârraſi morjiliń
wanúyáń cajedh́mi álhhaúdh́i lam yatathallami

6 falemmá ârafto áldára kolto lirabîhá
álá nâm śebáhháń áyyohá álrabâ wáſlami

7 tebaśśer khaleílei hal teraí min dh̋âáyiniń
tahhammalna biálôlyái min faúki jorthami

8 jaâlna álkinána ân yemeíniń wahhaznaho
wacam biálkináni min mohhillin wamohhrimi

9 waâalaína ánmáláń îtákáń wacallah́oń
wiráda álhhawáſheí laúnoha laúno ândami

10 dh̋eherna mina álſaúbáni thomma jazánaho
âlaí culli kaíniyyiń kaſheíbin wamofámi

11 wawaracna feí álſaúbáni yâlúna matnaho
âlaíhinna dulla álnáîmi álmotanâîmi

12 cáinna fotáto álîhni feí culli menzili
nazalna bihi hhabbo álfená lam yohh́atht́h́ami

13 bacarna becúráń waáſtakherna biſohhrah́iń
fahonna wawádeí álraſſi cályaddi lilfami

14 falemmá waradna álmáa zurká jomámah́ań
wadh́âna îśiyya álhhadh́iri álmotakhayyimi

15 wafeíhinna molhiyań lillath́eíſi wamendh̋eroń
áneikoń liâíni álnádh̋iri álmotawaſſimi

16 ſaâeí ſâîyáń gáidh̋o bno murrah́a bâdamá
tabazzala má baína álâſheírah́i biáldemi

17 faákſamto biálbáiti álladhí th́áfa hhaúlaho
rijáloń benúho min koraíſhiń wajorhami

18 yameínáń linâma álſayyadáni wajidtomá
âlaí culli hháliń min ſahheílin wamobrami

19 tedárectomà âbſáń wadhobyána bâdamá
tefánúá wadakkúá baínahom îthŕa minſhami

20 wakad kultomá án nodrica álſalma wáſiâáń
bimáliń wamârúfiń mina álkaúli neſlami

21 faáśbahhtomá minhá âlaí khaíri maúthińiń
baêídaína minhá min ôkúkiń wamáthami

22 âdh́eímaína feí âlyá maâddiń hodeítomá
wamin yaſtabihh cenzáń mina álmajdi yôdh́ami

23 waáśbahha yohhdeí feíhomo min tiládicom
magánimo ſhatteí min ífáliń mozannami

24 toâffaí álcolúmo biálmáeíni faáśbahhat
yonajjimohá men laíſa feíhá bimojrimi

25 yonajjimohá kaúmoń likaúmiń garámah́ań
walam yohareíkúá baínahom milá mihhjami

26 álá ábligi áláhhláfa ânneí riſálah́ań
wadhobyána hal ákſamtomo culli mokſami

27 felá tectomna állaha má feí nofúſicom
liyakhfaí wamahmá yoctima állaho yâlami

28 yowakhkher fayúdhâ feí citábiń fayoddokher
liyaúmi alhhiſábiń áú yaâjjal fayonkami

29 wamá álhharbo íllá má âlimtom wadhoktomúá
wamá húa ânhá biálhhadeíthi álmorajjami

30 mataí tebâthúhá tebâthúhá dhameímah́ań
watadh́rí ídhá ádh́raítomúhá fatodh́rami

31 fatâriccomo ârca álrahhá bithifáliha
watolkihh ciſháfáń thomma tontij fatotyami

32 fatontij lecom gilmána áſháma cullahom
caáhhmera âádin thomma tordh́î fatofth́ami

33 fatogill lecom má lá togillo liáhlihá
koryán biálîráki min kafeízíń wadirhemi

34 lehhayyiń hheláliń yâśimo álnáſi ámrahom
ídhá th́arakat íhhdaí álliyáli bimôdh̋ami

35 cirámoń falá dhú áldh́igni yodricho teblaho
ledaíhim walá áljáneí âlaíhim bimoſlemi

36 raûúá má raûúá min dh̋amyihim thomma áúradúá
gimáráń toferraí biálſeláhhi wabiáldemi

37 fakadh́dh́úá menáyá baínihim thomma áśderúá
ílaí caláiń moſtúbiliń motawakhkhami

38 leâmri lenîma álhhayya jerra âlaíhomo
bimá lá yuwáteíhim hhośaíno íbno dh́emdh́emi

39 wacána th́áwaí ciſh-hháń âlaí moſtacinnah́iń
felá húa ábdá há walam yatakaddami

40 wakála ſaákdheí hhájati thomma átaki
âdúyyi biálfiń min warayyi molajjami

41 faſhadda walam yofzô boyútáń catheírah́ań
ledaí hhaíto álkat rahhlahá ómmo kâſhami

42 ladaí áſadin ſhácei álſiláhha mokádhifiń
leho libadon ádh̋fároho lam tokallami

43 jerriyyiń mataí yodh̋lam yoâákib bidh̋olmihi
ſereíâáń waíllá yobda biáldh̋olmi yadh́lami

44 leâmraca má jarrat âlaíhim rimáhhohom
demo íbno neheíciń áú kateíli álmothallami

45 walá ſháracat feí álhharbi feí demi naúfeliń
walá wahabiń minhá walá íbni álmojadhdhami

46 waculláń áráhom áśbahhúá yâkilúnaho
śahheíhháni máliń th́áliâátiń mokharremi

47 wamen yâśi áth́ráfa álzijáji faínnoho
moth́eíô álâwáleí roccibat culla lahzemi

48 wamen yúfa lá yodhmo wamen yahdi kalbaho
ílaí moth́maeíni álbirri lá yatajamjami

49 wamen hába áſbába álmenáya yanalaho
waláú ráma ín yermaí álſemái biſollami

50 wamen yeco dhá fadh́liń fayabkhal bifadh́lihi
âlaí kaúmihi yoſtagna ânho wayodhmami

51 wamen lá yazal yeſtarhhili álnáſa naffaho
walá yâfihá yaúmáń mina áldhulli yandami

52 wamen yagtarib yahhſib âduwwáń sadeíkaho
wamen lá yocarrim naffaho lá yacorrami

53 wamen lá yadhud ân hhaúdhihi biſiláhhihi
yohaddem wamen lá yadhlimi álnáſa yodhlami

54 wamen lá yosánî feí ómúriń catheírahiń
yodharras biányábiń wayútha biminſami

55 wamen yejâli álmârúſa men dúni îrdhihi
yafirho wamen lá yattakeí álſhatma yoſhtami

56 ſaímto tecáleífa álhhayáti wamen yaîſh
themáneína hhaúláń lá ábáń leca yeſámi

57 ráyato álmenáyá khabtha âſhwáa men tosib
tomit-ho wamen tahhdheí yoâmmar fayahrami

58 wamahmá yecun înda ámriyiń min khaleikahiń
waín khálahá takhfeí âlaí álnáſi tôlami

59 waáâlamo má feí ályaúmi wálámſi kablaho
walecinnanei ân îlmi má feí gadiń âmi

KÁLA

LEBEÍDOŃ

ÁLAÁMERIYYO.

1 âfati áldiyáro mahhallohá famokámohá
biminyań tábada gaúlohá farijámohá

2 famodáfiô álrayáni ôrriya resmohá
khalakáń camá dh́amina álwahhiyyo silámohá

3 deminoń tejerramo bâda âhdi áneísahá
hhajajoń khalaúna hheláloha wahharámohá

4 rozikat merábeíâ álnojúmi waśábahá
wadko álrawáîdi júdohá farihámohá

5 min culli sáriyah́iń wagádiń modjiniń
waâshiyyah́iń motajáwibiń írzámohá

6 faâlá forúâ áláyhokáni waáthfalat
biáljelhataíni dh́ibáwohá waniââmohá

7 wálâíno ſácinahoń âlaí áthláyihá
ûúdhán taájjila biálfadhá ï bihámohá

8 wajalá álſoyúlo âni álthólúli caïnnahá
zuburoń tojiddo motúnihá áklámohá

9 áú rajô wáſhimahiń óſiffa núúrohá
cifafáń taârradha faúkahonna wiſhámohá

10 fawakafto áſálohá wacaífa ſowálоná
śommáń khawálida má yabeíno celámohá

11 ôriyat wacána bihá áljomeíô faábcarúá
minhá wagúdira núyohá wathomámohá

12 ſhákatca dhâno álhhayyi yaúma tehhammalúá
fatacennafúá kothonáń taśirro khiyámohá

13 min culli mahhfúſiń yedhillo âśiyyoho
zaújoń âlaíhi cillahoń wakirámohá

14 zujaláń caïnna niââja túdhihha faúkahá
wadhabáa wejraha ôththafáń árámohá

15 hhofizat wazáyalahá álſerábo caïnnaha
ájzáô beíſhaha áthlohá waridhámohá

16 bel má tadhaccaro min nawári wakad badat
watakaththaât áſbábohá warimámohá

17 moriyyahoń khollat bifaída wajáwarat
áhla álhhijázi faáína minca merámohá

18 bimiſháriki áljebelaíni áú bimohhajjeriń
fatadh́ammanat-há ferdah́on farokhámohá

19 faſawáîkoń ín áymenat famodh̋annah́oń
minhá wihháfo álkihri áú th́ilkhámohá

20 faáktĥâ lobánah́a meń taârradh́a waśloho
waliſherri wáśili khullah́iń śarrámohá

21 wáhhbo álmojámila biáljezeíli waśormoho
bákiń idhá dh̋aliât wazága kawámohá

22 bithaleíhhiń ásfáriń taracna bakiyyah́ań
minhá faáhhnaka śolbohá waſenámohá

23 fa-ídhá tagálai lahhmohá watahhaſſerat
watakath́th́aât bâda álciláli hhidámohá

24 falehá hibáboń feí álzimámi caínnahá
śahhbáa ráhha maâ álneſeími jihámohá

25 áú molmiîń waſikat liáhhkabi láhhaho
th́ardo álfohhúli wadh́arbohá wacidámohá

26 yâlú bihá hhadaba álácámi moſahh-hhajáń
kad rábaho îśyánohá wawihhámohá

27 biáhhizzah́i álthalbúni yerbâo faúkahá
kafro álmerákibi khaúfohá árámohá

28 hhattaí ídhá ſalakhá jumádaí ſittah́iń
jazáń fath́ála śiyámohá wakiyámohá

29 waramaí dábirahá álſafá watahayyajat
reíhho álmośáyifi ſaúmohá waſahámohá

30 rajaâá biámrihomá ílaí dheí mirrah́iń
hhaśadiń wanajhho śareímah́iń íbrámohá

31 fatanázaâá ſabith́áń yoth́eíro dh́iláloho
cadukh́áni maſhâlah́iń yoſhibbo dh́irámohá

32 maſhmúlah́iń golithat binebáti ârfajiń
cadukh́áni náriń ſáth́iîń áſnámohá

33 famadh́aí wakaddamahá wacánat âádah́ań
minho ídhá heía ârradat íkdámohá

34 fatawaſſath́á ârdh́a álſariyyi waśaddaâá
masjúrah́ań motajáwiráń kullámohá

35 mahhfúfah́ań waſth́a ályaráî yodh́illoho
minho mośarraô gábah́iń wakiyámohá

36 áfatilca ám wahhſhiyyah́oń maſbúâh́oń
khadhalat waádiyah́o álśiwári kiwámohá

37 khanśao dh́ayyaâti álfereíri falam yazal
ârdh́o álſhakáyiki th́aúfohá wabogámohá

38 lemoâfferiń kahdiń tenázaâ ſhilwoho
gabſoń cawáſibo má yemunno th́aââmohá

39 śadafna minhá girrah́ań fáśabnahá
ínna álmenáyá lá tath́eíſho ſihámohá

40 bátat waáſbala wácifoń min deímah́iń
torwaí álkhamáyila dáyimán tasjámohá

41 tejáfo áśláń káliśáń motanabbidháń
biôjúbi ínkáiń yemeílo hayámohá

42 yâlú th́areíkah́a matnahá motawátiroń
feí laílah́iń cafara álnojúma gamámohá

43 watadh́iyya feí wajhi áldh́alámi moneírah́ań
cajománah́i álbahhriyyi ſalla nidh́ámoha

44 hhattaí ídhá ánhhaſara áldh́elámo waásfarat
bacarat tazillo âni áltharaí ázlámoha

45 âlahat taballada feí niháï śoââyadiń
ſebââń towámáń cámiláń áyyámohá

46 hhattaí ídhá yayiſat waás-hhaka hhálikon
lam yoblihi írdh́áôhá wafithámohá

47 wataſammaât ruz áláneíſi faráâhá
ân dh́ahri gaíbiń wáláneíſo ſakámohá

48 fagadat cullá álfarjaíni tahhſibo ánnaho
maúlaí álmokháfah́i khalfohá waámámohá

49 hhattaí ídhá yaíſo álromáh́o waárſalúa
godh́ofáń dawájino káfiláń ââsámohá

50 falahhikna wáâtacarat lehá medrayyah́oń
cálſamhariyyah́i hhoddohá watemámohá

51 litadhúdahonna waáykanat ín lam tadhud
án kad ájamma maâ álhhatúfi hhamámohá

52 fatakaśśadat minhá ciſába fadharrajat
bicron wagúdira feí álmicarri ſijámohá

53 fabitilca ídh rakaſa állawámiô biáldhohhaí
wájtába árdiyaha álſerábi ícámohá

54 ákdhi állobánaha lá ófarritho reíbahan
áú án yalúma bihhájahin lawwámohá

55 áwalam tecun tadreí nawáro beínnani
waśśálo îkdi hhabáyilin jadhdhámohá

56 tarráco ámcinahin ídhá lam árdhahá
áú yertabith bâdha álnofúſi hhimámohá

57 bel ánti lá tadreína cam min laílahin
thalikin ledheídhin lahwohá wanidámohá

58 kad bitto ſámirahá wagáyaha tájirin
wáfaíta ídh rofaât waâzza modámohá

59 óglei álſibáa beculli ádcana âátikin
áú júnahín kodihhat wafodhdha khitámohá

60 bisabúhhin sáfiyahin wajadhbi careínahin
bimowatterin tátáloho íbhámohá

61 bácarto hhájatahá áldojája biſohhrahin
lióâlla minhá hheína hobba niyámohá

62 wagadáhi reíhhiń kad wazâto wakorraȟiń
ídh áśbahhat biyadi álśhimáli zimámohá

63 walekad hhamaíto álhhayya tahhmila ſhiccati
forothoń wiſháhhi ídh gadaúto lijámohá

64 faâlúto murtakabań âlaí dheí habwaȟiń
khorajiń ílaí ââlámihinna katámohá

65 hhataí ídhá álkat yadań feí cáfiriń
waájánno âúráto álthogúri dȟalámohá

66 ás-halto wántaśabat cajidhî maneífaȟiń
jerdáa yahhśoro dúnahá jorrámohá

67 raffâtohá tȟarda álniââmi wafaúkaho
hhataí ídhá ſakhinat wakhaffa îdȟámohá

68 kalikat rihhálatohá waáſbala nahhrohá
wábtalla min zabdi álhhameími hhizámohá

69 tarkaí watatȟâno feî álînáni watantihhaí
wirda álhhamámaȟi ídhá jadda hhamámohá

70 wacatheíraȟoń gurbáwohá majhúlaȟoń
torjaí nawáfilohá wayokhſhaí dhámohá

71 golbiń taſhaddara biáldokhúli caïnnahá
jinno álbadiyyi rawáſiyań ákdámohá

72 áncarto báthilahá wabúto bihhakkihá
yaúmań walam yafkhar âlayyi cirámohá

73 wajezúro íyſárin daâúto lihhatfihá
bimagálikiń motaſhábihin áâlámohá

74 ádûú bihinna liâákiriń áú mothfiliń
bodhilat lijeiráni áljameiî lihhámohá

75 fáldh́aífo wáljáro álgareibo caínnamá
habath́á tabálah́a mokhśibáń áhdh́ámohá

76 táweí ílaí áláth́nábi culli radhiyyah́iń
mithlo álbaliyyah́i kálíśin áhdamohá

77 wayocallalúna ídhá álriyáhh́o tenáwahhat
kholojáń tomeddo ſhawáriââń áytámohá

78 ínná ídhá áltakati álmojámiô lam yazal
minná lizázo âdh̋eímah́iń jaſhámohá

79 wamokaſſimiń yôth́eí álâſheírah́o hhakkahá
wamogadhmiriń lihhokúkihá hadh́ámohá

80 fadh́láń wadhú caremiń yoêíno âlaí álnadaí
ſamhhoń caſúbo ragáyibiń gannámohá

81 min mâſhariń ſannat lehom ábáwohom
waliculli kaúmiń ſonnah́on waímámohá

82 ín yafzaûúá yolkaí álmogáfira îndahom
wálſinno yalmaô cálcawácibi lámohá

83 lá yath́baûúna walá yebúro faââlohom
ín lá tameílo maâ álhawaí áhhlámohá

84 fabenúá lená baítán rafeíáán ſemcoho
fasamaí ílaíhi cohlohá wagolámohá

85 fáknâ bimá kaſama álmeleíco faínnamá
kaſama álkhaláyika baínaná âlámohá

86 waídhá álámánaho koſſimat feí mâſharin
áúfaí biáâdhami hhadhdhiná kaſſámohá

87 fahom álſoâáto ídhá álâſheíraho áfdhaât
wahom fawáriſohá wahom hhoccámohá

88 wahom rabeíôn lilmojáwiri feíhomo
walmormiláti ídhá tatháwala âámohá

89 wahom álâſheíraho ín yobaththaí hháſidon
áú án yameílo mâa álâdwi liyámohá

KÁLA

ANTARAH́ON

ALABSIYYO.

1 hal gádera álſhoâráo min motaraddimi
ám hal ârafta áldári bâda tawah-homi

2 yá dára âblah́a biáljawáï tecellameí
waîmmeí ś́ebáhháń dára âblah́a wáſlimi

3 fawakafto feíhá nákiteí wacaïnnahá
fadanoń liákdh́eí hhájah́a álmotalawwimi

4 watahhillo âblah́a biáljawáï waáhlohá
biálhhazni fálśammáni fálmotathallomi

5 hhoyyeíta min th́alaliń tekádema âhdoho
ákwaí waákfara bâda ómmi álhaíthami

6 hhallat biárdh́i álzáyireína faáśbahhat
âſiráń âlaí th́ollábici íbnah́a makhrami

7 ôlliktohá âradhán waáktolo kaúmahá
zâmán leâmra ábeíca laísa bimozîmi

8 walekad nazalti felá tadhunneí gaíroho
minneí bimenzilahi álmohhabbi álmocremi

9 caífa álmezáro wakad terabbaô áhlohá
biôneízataíni waáhloná biálgailami

10 ín conti ázmâti álfiráka faínnamá
zummat rocábicomo bilaílin modhlimi

11 má ráâneí íllá hhomúlaho áhlihá
wasatha áldiyári tasuffo hhabba álkhimkhimi

12 feíhá áthnitáni waárbaûúna hhalúbahan
súdán cakháfiyahi álgorábi álás-hhami

13 ídh testabeíca bidheí gorúbin wádhihhin
âdhbin mokabbalaho ledheídho álmathâmi

14 wacaínna fáraha tájirin bikaseímahin
sabakat âwáridhohá ílaíca min álfami

15 áú raúdhahin ínfán tadhammana nebtahá
gaíthon kaleílo áldimni laísa bimâlami

16 jádat âlaíhi cullo becrin hhurrahin
fataracna cullo karárahin cáldirhemi

17 sahh-hhán watiscábán faculli âshiyyahin
yajreí âlaíha álmáo lam yatasarrami

18 wakhalá áldhobába bihá falaíſa bibárihhiń
garidáń cafîli álſháribi álmotarannimi

19 haziјáń yahhocco dhiráâho bidhiráîhi
kadhha álmocibbi âlaí álzenádi álajdhami

20 tomſeí watóſbihho faúka dh́ahri hhaſhiyyah́iń
waábeíto faúka ſoráh́a ád-h́ama moljami

21 wahhaſhiyyateí ſarjiń álaí âbli álſhawaí
nehdiń meráciloho nebeílo álmahhzemi

22 hal tabloginneí dárahá ſhadaniyyah́oń
loônat bimahhrúmi álſherábi maśorrami

23 khath́th́árah́oń gibba álſoraí zayyáfah́oń
tath́iſo álácáma biwakhdi khuffiń maíthami

24 wacaïnnamá tath́iſo álácáma âſhiyyah́ań
bikareíbi baína álminſamaíni mośallami

25 táweí leho kolośo álniáâmi camá áwat
hhizakoń yemániyah́oń liáâjami th́imth́imi

26 yatabâna kullah́a ráſihi wacaïnnaho
hharijoń âlaí nâſhiń lehonna mokhayyami

27 śâliń yaûúdo bidheí áláſheírah́i baídh́aho
cálâbdi dheí álferwi álthaweíli áláślami

28 ſharibat bimái áldohhradh́aíni fáśbahhat
zaúráa tenforo ân hhiyádh́i áldaílemi

29 wacaínnamá yenáya bijánibi diffahá
álwahhshei min hazaji álîshiyyi muwawwimi

30 hirron janeíbon cullamá âthifat leho
gadhbai áttakáhá biályadaíni wabiálfami

31 ábkai lehá thúla álzemáni mokermadán
sanadán wamithla daâáyimi álmotakhayyimi

32 baracat âlai máï álridáî caínnamá
baracat âlai kasabin ájashsha mohadhdhami

33 wacána rabbán áú cahheílán môkadán
hhashsha álwofúda bihi jawánibi komkomi

34 yenbáô min dhifrai gadhúbin jesrahin
zayyáfahin mithla álfateíki álmocdami

35 ín togdafei dúnei álkináî faínnanei
thibbon biákhdhi álfárisi álmostalyimi

36 áthanei âlayyi bimá âlimti faínnanei
sahlon mokhálafatei ídhá lam ódhlami

37 faïdhá dholimto faïnna dholmei básilon
mirron modhákatoho cathâmi álâlkami

38 walekad sharibto min álmodámahi bâda má
racada álhawájiro biálmishúfi álmâlami

39 bizojájahin safráa dháhi ásirra n
korinat biásfari fei álshimáli mofaddami

40 faïdhá ſharibto faïnnaneí moſtahlicoń
málei waîrdheí wáfiroń lam yoclami

41 waïdhá ʹsahhaúto femá ókasʹsiro ân nadaí
wacamá âlimti ſhemáyileí watecerromi

42 wahhaleílo gániyah́iń taracto mojaddaláń
temcú fereíſatoho caſhidki álââlami

43 ſabakat yedáya leho biââjili thânah́iń
waraſháſhi náfidah́iń calaúni álândami

44 hallá ſálati álkhaílo yá bnata málicin
ín conti jáhilah́an bimá lam tâlami

45 ídh lá ázálo âlaí rihhálah́i ſabihhiń
nehdiń taââworoho álcomáh́o mocellami

46 thúráń yojarrado lilth́iââni watárah́an
yáwei ílaí hhaśadi álkiſſeí âramrami

47 yokhbirco min ſhahida álwakeíâh́a ínnaneí
ágſhaí álwagaí waáîſſo înda álmagnami

48 wamodajjajiń cariha álcomáh́o nizálaho
lá momniîn harabáń walá moſtaſlimi

49 jádat yedáya leho biââjili th́ânah́iń
bimothkafiń ʹsidki álcaûúbi mokawwami

50 birahheíbah́i álfargaíni yahdeí jerſohá
biállaíli môtaſſa áldhiyábi áldh́orrami

51 faſhacecto biálromhhi álásammi thiyábaho
laíſa álcareímo âlaí álkaná bimohhrami

52 fataractoho jazra álſibâî yanoſhnaho
má baína kullaha ráſihi wálmîsami

53 wamaſhacci ſábigahin hatacto forújahá
biálſaíſi ân hhámeí álhhakeíkahi môlami

54 rabidhin yedáho biálkidáhhi ídhá ſhatá
hatáco gáyáti áltejári molawwami

55 lemmá raánei kad nazalto óreídoho
ábdaí nawájidhoho ligaíri tebaſſomi

56 fathânatoho biálromhhi thomma âlaútoho
bimohendahin ſáfeí álhhadeídahi mikhdhami

57 âhdeí bihi medda álnehári caínnamá
khodhiba álbenáno waráſoho biálîdhlami

58 bathalin caínna thiyábaho feí ſarhhihi
yohhdhaí niâálo álſebti laíſa yatawámi

59 yá ſháho má kanasin limen hhallat leho
hhorimat âlayyi walaítohá lam tohhrami

60 fabaâth-to járiyateí fakolto lehá ídh-habeí
fatajaſſaſeí ákhbárahá leí wáâlimi

61 kálat raíto mina áláâádeí girrahan
wálſháho momcinahon limen hú murtami

62 wacaïnnamá áltafatat bijeídi jidáyahin
rafháïn mina álgizláni hhurrin árthami

63 nobbeíto âmrán gaíra fhácira nîmateí
wálcofro mukhbathahon lineffi álmonîmi

64 walekad hhafidhto wasáha âmmeí biáldhihhaí
ídh takliso álfheftáno ân wadh-hhi álfami

65 feí hhaúmahi álhharbi állateí lá tafhtaceí
gamrátihá álábthálo íllá tagamgomi

66 ídh yatakúna beí áláfinnaha lam âkhim
ânhá walecinneí tadháyika mokdameí

67 lemá famâto nidáa morraha kad âlá
wábnaí rabeíâha feí álgibári áláktami

68* 69 wamohhallamon yafûúna tahhta liwáyihim
wálmaúto tahhta liwâî áli mohhallami

70 áyaknat án fayacúna înda likáyihim
dharbon yatheiro âni álfirákhi áljoththami

71 lemá ráyato álkaúma ákbala jamôhom
yatadhámeruna cararto gáiro modhammami

72 yadûúna ântara wálrimáhhi caïnnahá
áfhtháno beírin feí lobáni álád-hami

73 má zilto ármeíhim bigorrahi nahhrihi
walibánihi hhataí teferbala biáldemi

74 wázawwara min wakî álkaná bilibánihi
wafhacaí ílayyi biâbrahin watahhamhhomi

75 laú cána yadreí má álmohháwaraho áfhtacaí
walecána laú âlima álceláma mocellomi

76 wálkhaílo taktahhimo álkhibára âwábifan
min baíni fhaídhamahin waájrada fhaídhami

77 walekad fhafaí kalbeí waádh-haba fokmohá
keílo álfawárifi waíca ântaraho ákdimi

78 dhululon rucábeí hhaítho fheíto mofháyiêí
lobbeí waáhhfozoho biámrin mobrami

79 walekad khafheíto bián ámúto walam tacun
lilhharbi dáyirahon âlaí íbneí dhemdhemi

80 álfhátimeí îrdheí walam áfhitmohá
wálnádhiraína ídhá lám álkahomá demi

81 ín yafâlá falekad taracto ábáhomá
jezrá álfibâî waculli nifrin kafhâmi

KÁLA AMRUON

ALTAGLEBIYYO.

1 álá hibbeí beśahhnica faśbihheíná
welá tobkeí khomúra álándereíná

2 moſhâſhâahon caínna álhhossa feíhá
ídhá má álmáo khálathaho ſhahheína

3 tejúro bedheí állobánahi ân hawáho
ídhá má dhákahá hhattaí yeleíná

4 teraí állahhza álſhahheíhha ídhá ámarrat
âlaíhi lemálihi feíhá meheíná

5* 6 madadti álcáſa ânná ómma âmrúin
wacána álcáſo mojráhá ályemeíná

7 wamá ſherro althelátho hi ómma âmrúin
beśahhibici álladhí lá tośbihheíná

8* 9 waïnná ſaúfa todriconá álmenáyá
mokaddaraháń lená wamokaddereíná

10 kifeí kabla ál tafarroki yá dh́âeíná
nekhabberaci ályekeína watokhbireíná

11 kifeí neſálaci hal áhhdathti śormáń
lewaſhci álbaíni ám khonti álámeíná

12 biyaúmi careíhaḣin dh́arbáń wath́ânáń
âkerra behi mawáleíci álôyúná

13 toreíci ídhá dakhalti âlaí khaláiń
wakad áminat ôyúno álcáſhihheiná

14 dhiráêí âíth́aliń ádmái becriń
terabbaâti álájáriâ wálmitúná

15 wathadyáń mithla hhokki álââji rakhśáń
hhaśánáń min ácoffi állámiſeína

16 wamatnaí lednaḣiń th́álat walánat
rawádifohá tenúo bimá waleíná

17* 18* 19 tadhacrato álśibaí wáſhtakto lemma
ráyato hhomúlahá óśoláń hhodeiná

20 waââradh́ati ályemámaḣo wáſhmakharrat
caáſyáfiń biáídí mośliteíná

21 femá wajidat cawajdeí ómma ſakbiń
ádh́allattaho ferajjaâti álhhaneíná

22 welá ſhamth́áa lam yatroc ſhekáhá
lehá min tiĺâh́iń íllá janeíná

23 waínna gaddáń waínna ályaúma rahnoń
wabâda gadiń bimá lá tâlameíná

24 ábá hindiń felá tâjal âlaíná
waándh́irná nokhabbirca ályakeíná

25 beínná núrido álrâyáti beídh́áń
wanośdirohonna hhomráń kad raweíná

26 waáyyámiń lená gorriń th́iwáliń
âſaína álmelca feihá án nadeíná

27 waſayyidi mâſheriń kad tawwajúho
bitáji álmolci yahhmeí álmohhjireíná

28 terecná álkhaíla ââkifah́oń âlaíhim
mokalladah́oń âînnatahá śofúna

29* 30 wakad harrat cilábo álhhaí minná
waſhadhaboná katádah́a men yaleíná

31 metaí nenkol ílaí kaúmiń rohháná
yecúnúá feí állikáï lehá th́ahheíná

32 yecúno thikálohá ſharkiyyo najdiń
walahwatohá kodh́ááh́a ájmâeína

33 nezeltom menzila áládh́yáfi minná
faâjjalná álkiraí án teſhtomúná

34 kareinácom faâjjalná kirácom
kobaíla álśobhhi mirdáhań thohhúná

35 waïnna áldhigna bâda áldhigni yafshúá
âlaíca wayokhrijo áldáï áldafeíná

36 warithna álmajda kad âlimat maâddoń
nothâîno dúnaho hhattaí yabeíná

37 wanahhno ídhá îmádo álhhayyi kharrat
âlaí áláhhfádhi namnâa men yaleíná

38 nodáfiô ânhomo áláâdâî kidmáń
wanahhmilo ânhomo má hhammalúná

39 nothâîno má terákhai álnáso ânná
wanedhribo biálsoyúfi ídhá gasheíná

40 bisomriń min kaná álkhatthái lodniń
dhawábila áú bibeídhiń yâtaleíná

41 nashokko behá rúúsa álkaúmi shikka
wanakhtalibo álrakába fayakhtaleíná

42 tekhála jemájima álábthála feíhá
wosúkań biálámâîzi yertameíná

43 nahhirro rúúsahom feí gaíri birriń
femá yadrúna má dhá yattakúná

44 caïnna soyúfaná feiná wafeíhim
makháreíkoń biáídí láîbeiná

45 caïnna thiyábaná minná waminhom
khodhibna biárjawániń áú tholeíná

46 ídhá má âyya biáláſnáfi hhayyoń
mina álhaúli álmoſhabbahi án yecúńa

47 naśabná mithla rahwaha dháta hhaddiń
moháfadhahań waconná álſábikeíná

48 bifityániń yerúna álkatla majdáń
waſheíbiń feí álhhorúbi mojarrabeíná

49 hhodayyá álnáſi cullihimi jameîáń
mokáraâhań beneíhim ân beneíná

50 faámmá yaúma khaſhyataná âlaíhim
fatośbihho gárahań motalabbabeíná

51 waámmá yaúma lá nekhſheí âlaíhim
fatośbihho feí mejáliſiná thobeíná

52 biráſi min beneí joſhami íbni becriń
nedokki bihá álſohúlaha wálkhozúná

53* 54 ílá lá yejhalan áhhadoń âlaíná
fanajhalo faúka jehli áljáhileíná

55 biáyyi meſheíahiń âmrúa íbna hindiń
totheíô biná álwiſháha watazdereíná

56 biáyyi meſheíahiń âmrúa íbna hindiń
necúno likeílicom feiná katheíná

75 teheddadaná waáúâdaná rúwaídán
metaí conná liómmica moktaweíná

58 faínna kenátaná yá âmrú ââyat
âlaí áláâdáï kablaca án teleíná

59 ídhá gadh́dh́a álthikáfi bihá íſhmázat
wawallat-hom âſhúzanah́ań zobúná

60 âſhúzanah́ań ídhá ánkalabat árannat
tadokko kafá álmothakkafi waáljabeíná

61 fahal hhoddithta feí jaſhami íbni becriń
binakśiń feí khothúbi áláwwaleíná

62 warithna majda âlkamah́a íbni ſaífiń
ábáhha lená hhośúna álmajdi deíná

63 warithto mohalhaláń waálkhaíra minho
zohaíráń nîma dhikhri áldhákhireíná

64 waâttábáń wacelthúmáń jameíâń
bihim nilná torátho áláwwaleíná

65 wadhá álborrahi álladheí hhodithta ânho
bihi nohhmaí wanahhmeí álmoljaeíná

66 waminná kablaho álſâêí colaíboń
faáyyi álmajdi íllá kad waleíná

67 metaí nâkid kareinataná bihhabliń
najodhdho álwaśla áú nakiſi álkareíná

68 wanújado nahhno ámnâhom dhimárán
waáúfáhom ídhá âkadúá yameíná

69 wanahhno gadáha áúkada feí khezárin
rafadná faúka rifdi álráfideíná

70 wanahhno álhhabiſúna bedheí árátheí
taſoffo áljollaho álkhúro áldereíná

71 wanahhno álhhácimúna ídhá óthîná
wanahhno álââzimúna ídhá ôseíná

72 wanahhno áltáricúna limá ſakhithná
wanahhno álákhidúna limá radheíná

73 wacunná áláymeneína ídhá áltakeiná
wacána áláyſereíná benúa ábeíná

74 fasálúá saúlahan feímen yaleíhim
wasolná saúlahan feímen yaleíná

75 faábúá biálnihábi wabiálſebáyá
waibnái álmolúci mosaffadeíná

76 ílaícom yá beneí becrin ílaícom
álammá târifúá minná ályakeíná

77 álammá tâlemúá minná wamincom
catáyibi yathâinna wayertameíná

78 âlaíná álbeídho waályalabo ályemáneí
waáſyáfin yakomna wayanhhaneíná

79 âlaíná cullo ſábigahin dilásin
terai faúka álnejádi lehá godhúná

80 ídhá wodhiâat ân álábtháli yaúmán
ráyata lehá jolúda álkaúmi jaúná

81 faínna motúnahonna motúna gadrin
tosaffikohá álreiáhho ídhá jareíná

82 watahhmiloná gadáho álraúî jordon
ôrifna lená nekáyidho álteleíná

83* 84 warithnáhonna ân íbnáï sidkin
wanaúrothihá ídhá mutná beneíná

85 wakad âlima álkabáyilo min moâddin
ídhá kobabon biábthahhihá beneíná

86 beínná álââsimúna beculli cihhlin
waínná álbádhilúna limojtedeíná

87* 88 waínná álmániûna limá yaleíná
ídhá má álbeídhi dhábalati áljofúná

89 waínná álmonîmúna ídhá kadirná
waínná álmohlicúna ídhá áteíná

90 waínná álſháribúna álmáa safwan
wayaſhrebo gaíraná âcaran watheíná

91 álá áblig beneí álthamáhhi ânná
wadômiyyan facaífa âraftomúná

92 âlaí átháriná beidh́óń cirámoń
nohhádhiro án tofárika áú tehúná

93 dh́aâáyino min beneí jaſhami bni becriń
khalath́na bimaíſemiń hhaſábáń wadeíná

94 ákhadhna âlaí boûúlatihonna âhdań
ídhá lákúá fawáriſa môlameíná

95 liyaſtalibanna ábdánáń wabeídh́áń
waáſraí feí álhhadeídi mokarraneíná

96 * 97 ídhá má rohhna yamſheína álhuwaíná
camá ádh́th́arabat motúno álſháribeíná

98 yakitna jiyadaná wayakolna leſtom
boûúlataná ídhá lam temnaûúná

99 ídhá lam nahhmihinna felá bekeíná
liſhayań bâdahonna welá hhoyeíná

100 wemá manaâ áldh́aâáina mithla dh́arbiń
teraí minho álſawáîdo cálkileíná

101* 102* 103 lená áldunyá wamen ádh́-hhai âlaíhá
waneb́thiſho hheína neb́thiſho kádireíná

104 ídhá má álmolco ſáma álnáſa khasfáń
ábaíná án nekirra áldh́olla feíná

105 noſammaí dh́alimeíná wemá dh́alamná
walecinná ſenabdá dh́alimeíná

106 ídhá balaga álfith́ámo lená śabiyyoń
tekhirro leho áljabábero ſajideíná

107* 108 meláná álbarra hhattaí dh́áka ânna
wad́hahra álbahhri nemláwoho ſefeína

KÁLA

KÁLA

HHÁRETHON

ALYASHCORIYYO.

1 áádhanatná bibaínihá áſomáo
robba tháwiń yomello minho álthawáo

2 bâda âhdiń lehá biborkaha ſhemáï
faádnaí diyárahá álkhaltháo

3 fálmohhayyáho fálśifáhho fáglaí
dheí fithákin faââdhibon fálwafáo

4 fariyádho álkhathá faaúdiyaho álſhireíbi
fálſhôbatáni fáláyláo

5 lá áraí men âhidto feihá faïbci
ályaúma dilháń wamá yeruddo álbocáo

6 wabiââínaíca áúkadat hindoń álnára
áśeiláń telwei bihá álâlyáo

7 áúkadat-há baína álâkeíki faſhakhśaíni
biûúdiń camá yalúhho áldhíyáo

8 fatanawwarto náraha min baêídiń
bikhezáziń haíháto minca álśiláo

9 gaíra ínneí kad áſtaêino âlaí álhommi
ídhá khaffa biálthawiyyi álnejáo

10 bizofúfiń caínnahá hiklahoń ómmo
riyálin dawiyyahoń ſakfáo

11 ánaſat nebáton waafzaâhá álkennáśo
âśráń wakad danaí álímſáo

12 fataraí khalfahá min álrajî
wálwakî meneínáń caínnaho íhbáo

13 wathírákáń miń khalfihinna thírákoń
ſákitháton telweí behá álśahhráo

14 átalah-há bihá álhawájiro ídh cullo
íbno ónthaí beliyyahoń âmyáo

15 waátáná mina álhhawádithi ánbáo
wakhathbon ńônai behi wanoſáo

16 ínna íkhwánona álárákemi yaglúna
âlaíná feí keílihim íhhfáo

17 yakhlithúna álberiyya minná bedheí áldhanbi
walá yanfaô álkhaliyyo álkhaláo

18 zaâmúá ínna cullo men dh́araba álêíra
mowálin lená waïnná álwaláo

19 ájmaûúá ámrahom bilaíliń falammá
áśbahhúá áśbahhat lehom dhaúdh́áo

20 min monádiń wamin mojeíbiń wamin
tiś-háli khaíliń khilála dháca rogáo

21 áyyohá álmánth́iko álmorakkiſho ânná
înda âmrúiń wahal ledháca bekáo

22 lá takhilná âlaí giratica ínná
kablo má kad waſhaí biná áláâdáo

23 fabekeíná âlaí álſhenáah́i tenmeíná
jodûdon wagarrah́on kâſáo

24 kabla má ályaúma bayyadh́at biôyúni
álnáſi feíhá taâyyath́o waïbáo

25 wacaïnna álmenúna terdeí biná
árâna júniń yenjábo ânho álâmáo

26 mocfahirrán âlaí álhhawádithi má terthúho
lildehri mowyidoń śammáo

27—33* 34 thomma milná ílaí tameímiń faáhhramná
wafeíná benáto morriń ímáo

35 lá yakeímo álâzeízo biálbeledi álſahli
walá yanfaô álkhaliyyo álnejáo

36 laísa yanjeí mowáyadoń min hhezárin
ráſa tħúdiń wahhurraħon rajlao

37 famelecná bidhelica álnáſo hhattaí
maleca álmondhiro íbno mái álſamáo

38 wahú álrabbo wálſheheído âlaí yaúmi
álhhayáraíni wálbeláo beláo

39 melico ádħlaô álberiyyaħi má yújado
feíhá limá ledaíhi cofáo

40 fátrocúá álthéíkha wáltaâddeí waímmá
teteââſhúá fafeí áltââſheí áldáo

41 wádħcorúá khalfa dheí álmejázi wamá
kaddama feíhi álôhúdo wálcofláo

42 hhadhara áljúra wáltaâddeí walen
tenkadħo má feí álmoháriki álíhwáo

43 ââlimúá ínná wáiyyácomo feímá
áſhtarathná yaúma ákhtalofná ſawáo

44 ââlaíná jonáhho condaħa án
yâtami gáziyyohom waminná áljázáo

45 ám âlaíná jerá hhaneífaħa áú má
jamaât min mahháribiń gabráo

46 ám janáyá beni âteíkiń famen
yâdhoro faínná min hharbihim boráo

47 ám âlaíná jeraí álîbádo camá neíth́á
bijúzi álmohhammili áláâbáo

48 ám âlaíná jeraí kodh́áâh́a
ám laíſa âlaíná feímá janúá índáo

49 ám âlaíná jeraí íyádiń camá
keíla lith́aſmiń ókhúwacomo alíbáo

50 laíſa minná álmodh́arriyúna walá kaíſiń
walá jondaloń walá álhhaddáo

51 ânanáń báthiláń wadh́olmáń camá
yâtoro feí hhojrah́a álrabeídh́i áldh́ibáo

52 wathemánúna min tameímiń bíáydihim
rimáhhon śodúrohinna álkadh́áo

53 lam yahhillúá beneí rizáhhiń biborkáa
nith́áíń lehom âlaíná doâáo

54 terecúhom molajjabeíná waábúá
binehábiń yaśimmo minho álhhidáo

55 thomma jáúá yeſterjiûna
falam terjâ lehom ſhámah́oń walá zahráo

56 thomma fáúá minhom bikáſimah́i áldh́ehri
walá yabrodo álgaleíla álmáo

57 thomma khaíloń min bâdi dháca mâa álgalláki
lá ráfah́oń walá íbkáo

58 má áśábúá min taglebiyyiń famath́lúloń
âlaíhi ídhá tawalleí alôfáo

59 catecáleífi kaúmaná ídhá gazá
álmondhiro hal nahhno líbni hindiń roâáo

60 ídhá hhalla alâlyáo kobbah́a maíſúná
fáadneí diyárahá álkhalth́áo

61 fataáwwat lehom karádh́ibah́oń min
culli hhayyin caínnahom ílkáo

62 fahadáhom biáláſwadaíni waámro
állahi balgoń yaſhkeí bihi áláſhkiyáo

63 ídh temenúhomo áſráń faſákat-hom
ílaícom ámniyyah́on íſhráo

64 lam yogrúcomo gorúráń walaciń
yerfaô álálo jemôhom wáldh́ohháo

65 áyyohá álſháneío álmoballigo ânná
înda âmrúiń wahal lidháca înteháo

66 ín âmrúoń lená ledaíhi khiláloń
gaíri ſhacciń feí cullihinna álbeláo

67 melicoń mukſith́on waácḿelo men yamſhí
wamin dúni má ledaíhi álthenáo

68 áramiyyoń bimithlihi jálati áljinno
faábat likheśmihá álájláo

69 men lená îndaho mina álkhaíri áyátiń
theláthin feí cullihinna álkadh́áo

70 áyah́oń ſháriko álſhakeíkah́i ídh
jáúá jameíâáń liculli hhayyiń liwáo

71 hhaúla kaíſiń moſtalameína bicabſhiń
koradh́iyyiń caïnnaho âbláo

72 waśayitiń min álâwátici má
tenháho íllá mabeídh́ah́oń râláo

73 radadnahomo bith́âniń camá yakhrojo
min khirbah́i álmezádi álmáo

74 wahhamalnáhomo âlaí hhazami thahláni
ſhiláláń wadommiya álánſáo

75 wafaâlná bihim camá âlima állahoń
wamá án lilhháyaneína dimáo

76 thomma hhojráń ââneí íbna ómmi fathámiń
waleho fárſiyyah́oń khedh́ráo

77 áſadoń feí állikái wirdoń hemúſoń
warabeíîoń ín ſhannâat gabráo

78 fajabhanáhomo bidh́arbiń camá tenhozo
ân jammah́i álth́awiyyi áldiláo

79 wafacacná gilla âmri álkaíſi ânho
bâda má th́ála hhabſoho wálânáo

80 waákadnáho rabba gaffána biálmondhiri
carháń ídh lá tocála áldomáo

81 wafadeínáhomo betisâh́i ámláciń
cirámiń áflábohom ágláo

82 wamaî aljúna júna áli beneí áláúfi
ânúdoń caḯnnaho dafwáo

83 má jazîná tahhta álâjáji ídh
walat biáf káyihá wahharr álśiláo

84 wawalidná âmrúa íbna ómmi áyáfin
min kareíbiń lemá átáná álhhibáo

85 mithlohá takhrojo álnaśeíhah́o lilkaúmi
faláh́oń min dúnihá áfláo

POEMS,

CONSISTING CHIEFLY OF

TRANSLATIONS

FROM

THE ASIATICK LANGUAGES.

——— *Juvat integros accedere fontes,*
Atque haurire, juvatque novos decerpere flores. LUCR.

TO

THE RIGHT HONOURABLE

THE COUNTESS SPENCER,

THESE EASTERN PIECES,

AND, PARTICULARLY,

THE POEM OF

SOLIMA,

ARE MOST RESPECTFULLY

INSCRIBED

BY HER LADYSHIP'S

MOST OBLIGED

AND FAITHFUL SERVANT,

THE AUTHOR.

THE

PREFACE.

THE reader will probably expect, that, before I present him with the following miscellany, I should give some account of the pieces contained in it; and should prove the authenticity of those *Eastern* originals, from which I profess to have translated them: indeed, so many productions, invented in *France*, have been offered to the publick as genuine translations from the languages of *Asia*, that I should have wished, for my own sake, to clear my publication from the slightest suspicion of imposture; but there is a circumstance peculiarly hard in the present case; namely, that, were I to produce the *originals* themselves, it would be impossible to persuade some men, that even *they* were not forged for the purpose, like the pretended language of *Formosa*. I shall, however, attempt in this short preface to satisfy the reader's expectations.

The first poem in the collection, called *Solima*, is not a regular translation from the *Arabick* language; but most of the figures, sentiments, and descriptions in it, were really taken from the poets of *Arabia*: for when I was reading some of their verses on benevolence and hospitality, which they justly consider as their most amiable virtues, I selected those passages, that seemed most likely to run into our measure, and connected them in such a manner as to form one continued

tinued piece, which I ſuppoſe to be written in praiſe of an *Arabian* princeſs, who had built a *caravanſera* with pleaſant gardens for the refreſhment of travellers and pilgrims; an act of munificence not uncommon in *Aſia*. I ſhall trouble the reader with only one of the original paſſages, from which he may form a tolerable judgement of the reſt:

Kad alama e'ddhaiſo wa'l mojteduno
Idha aghbara ofkon wahabbat ſhemalan,
Wakhalat an auladiha elmordhiato,
Wa lam tar ainon lemoznin belalan,
Beenca conto 'errabîo el moghitho
Leman yâtarica, waconto themalan,
Waconto' nehara behi ſhemſoho,
Waconto dagiyyi' lleili fihi helalan.

that is; * *the ſtranger and the pilgrim well know, when the ſky is dark, and the north-wind rages, when the mothers leave their ſucking infants, when no moiſture can be ſeen in the clouds, that thou art bountiful to them as the ſpring, that thou art their chief ſupport, that thou art a ſun to them by day, and a moon in the cloudy night.*

The hint of the next poem, or *The Palace of Fortune*, was taken from an *Indian* tale, tranſlated a few years ago from the *Perſian* by a very ingenious gentleman in the ſervice of the *India-Company*; but I have added ſeveral deſcriptions, and epiſodes from other *Eaſtern* writers, have given a different moral to the whole piece, and have made ſome other alterations in it, which may be ſeen by any one, who will take the pains to compare it with the ſtory of *Roſhana*, in the ſecond volume of the tales of *Inatulla*.

* See this paſſage verſified, *Solima*, line 71. &c.

I have

I have taken a ſtill greater liberty with the moral allegory, which, in imitation of the *Perſian* poet *Nezâmi*, I have entitled *The Seven Fountains*; the general ſubject of it was borrowed from a ſtory in a collection of tales by *Ebn Arabſhah*, a native of *Damaſcus*, who flouriſhed in the fifteenth century, and wrote ſeveral other works in a very poliſhed ſtyle, the moſt celebrated of which is *An hiſtory of the life of Tamerlane*: but I have ingrafted upon the principal allegory an epiſode from the *Arabian* tales of * *a thouſand and one nights*, a copy of which work in *Arabick* was procured for me by a learned friend at *Aleppo*.

The ſong, which follows, was firſt printed at the end of a *Perſian* grammar; but, for the ſatisfaction of thoſe who may have any doubt of its being genuine, it ſeemed proper to ſet down the original of it in *Roman* characters at the bottom of the page. The ode of *Petrarch* was added, that the reader might compare the manner of the *Aſiatick* poets with that of the *Italians*, many of whom have written in the true ſpirit of the *Eaſterns*: ſome of the *Perſian* ſongs have a ſtriking reſemblance to the ſonnets of *Petrarch*; and even the form of thoſe little amatory poems was, I believe, brought into *Europe* by the *Arabians*: one would almoſt imagine the following lines to be tranſlated from the *Perſian*,

Aura, che quelle chiome bionde e creſpe
Circondi, e movi, e ſe' moſſa da loro
Soavemente, e ſpargi quel dolce oro,
E poi 'l raccogli, e'n bei nodi l'increſpe.

ſince there is ſcarce a page in the works of *Hafez* and *Jami*, in which the ſame image, of *the breeze playing with the treſſes of a beautiful girl*, is not agreeably and variouſly expreſſed.

* See the ſtory of Prince *Agib*, or the *third Calandar* in the *Arabian tales*, Night 57. &c.

The

The elegy on the death of *Laura* was inſerted with the ſame view of forming a compariſon between the *Oriental* and the *Italian* poetry: the deſcription of the fountain of *Valchiuſa*, or *Vallis Clauſa*, which was cloſe to *Petrarch*'s houſe, was added to the elegy in the year 1769, and was compoſed on the very ſpot, which I could not forbear viſiting, when I paſſed by *Avignon*.

The *Turkiſh* Ode on the Spring was ſelected from many others in the ſame language, written by *Meſihi*, a poet of great repute at *Conſtantinople*, who lived in the reign of *Soliman the Second*, or *the Lawgiver:* it is not unlike the *Vigil of Venus*, which has been aſcribed to *Catullus*; the meaſure of it is nearly the ſame with that of the *Latin* poem; and it has, like that, a lively burden at the end of every ſtanza: the works of *Meſihi* are preſerved in the archives of the *Royal Society*.

It will be needleſs, I hope, to apologize for the *Paſtoral*, and the poem upon *Cheſs*, which were done as early as at the age of ſixteen or ſeventeen years, and were ſaved from the fire, in preference to a great many others, becauſe they ſeemed more correctly verſified than the reſt.

It muſt not be ſuppoſed, from my zeal for the literature of *Aſia*, that I mean to place it in competition with the beautiful productions of the *Greeks* and *Romans*; for I am convinced, that, whatever changes we make in our opinions, we always return to the writings of the ancients, as to the ſtandard of true taſte.

If the novelty of the following poems ſhould recommend them to the favour of the reader, it may, probably, be agreeable to him to know, that there are many others of equal or ſuperior merit, which have never appeared in any language of *Europe*; and I am perſuaded that a writer, acquainted with the originals, might imitate them very happily

happily in his native tongue, and that the publick would not be difpleafed to fee the genuine compofitions of *Arabia* and *Perfia* in an *Englifh* drefs. The heroic poem of *Ferdufi* might be verfified as eafily as the *Iliad*, and I fee no reafon why *the delivery of Perfia by Cyrus* fhould not be a fubject as interefting to us, as *the anger of Achilles*, or *the wandering of Ulyffes*. The Odes of *Hafez*, and of *Mefihi*, would fuit our lyrick meafures as well as thofe afcribed to *Anacreon*; and the feven *Arabick* elegies, that were hung up in the temple of *Mecca*, and of which there are feveral fine copies at *Oxford*, would, no doubt, be highly acceptable to the lovers of antiquity, and the admirers of native genius: but when I propofe a tranflation of thefe *Oriental* pieces, as a work likely to meet with fuccefs, I only mean to invite my readers, who have leifure and induftry, to the ftudy of the languages, in which they are written, and am very far from infinuating that I have the remoteft defign of performing any part of the tafk myfelf; for, to fay the truth, I fhould not have fuffered even the following trifles to fee the light, if I were not very defirous of recommending to the learned world a fpecies of literature, which abounds with fo many new expreffions, new images, and new inventions.

SOLIMA,

SOLIMA,

AN ARABIAN ECLOGUE,

WRITTEN IN THE YEAR 1768.

YE maids of Aden, hear a loftier tale
Than e'er was ſung in meadow, bower, or dale.
The ſmiles of Abelah, and Maia's eyes,
Where beauty plays, and love in ſlumber lies;
The fragrant hyacinths of Azza's hair,
That wanton with the laughing ſummer-air;
Love-tinctur'd cheeks, whence roſes ſeek their bloom,
And lips, from which the Zephyr ſteals perfume;
Invite no more the wild, unpoliſh'd lay,
But fly like dreams before the morning ray.
Then farewel, love! and farewel, youthful fires!
A nobler warmth my kindled breaſt inſpires.
Far bolder notes the liſtening wood ſhall fill:
Flow ſmooth, ye rivulets; and, ye gales, be ſtill.

See yon fair groves that o'er Amana riſe,
And with their ſpicy breath embalm the ſkies;
Where every breeze ſheds incenſe o'er the vales,
And every ſhrub the ſcent of muſk exhales!
See through yon opening glade a glittering ſcene,
Lawns ever gay, and meadows ever green!

Then

Then aſk the groves, and aſk the vocal bowers,
Who deck'd their ſpiry tops with blooming flowers,
Taught the blue ſtream o'er ſandy vales to flow,
And the brown wild with livelieſt hues to glow?
* Fair Solima! the hills and dales will ſing;
Fair Solima! the diſtant echoes ring.
But not with idle ſhows of vain delight,
To charm the ſoul, or to beguile the ſight;
At noon on banks of pleaſure to repoſe,
Where bloom intwin'd the lily, pink, and roſe;
Not in proud piles to heap the nightly feaſt,
Till morn with pearls has deck'd the glowing eaſt;—
Ah! not for this ſhe taught thoſe bowers to riſe,
And bade all Eden ſpring before our eyes:
Far other thoughts her heavenly mind employ,
(Hence, empty pride! and hence, deluſive joy!)
To cheer with ſweet repaſt the fainting gueſt;
To lull the weary on the couch of reſt;
To warm the traveller numb'd with winter's cold;
The young to cheriſh, to ſupport the old;
The ſad to comfort, and the weak protect;
The poor to ſhelter, and the loſt direct:—
Theſe are her cares, and this her glorious taſk;
Can heaven a nobler give, or mortals aſk?

Come to theſe groves, and theſe life-breathing glades,
Ye friendleſs orphans, and ye dowerleſs maids!
With eager haſte your mournful manſions leave,
Ye weak, that tremble; and, ye ſick, that grieve;

* It was not eaſy in this part of the tranſlation to avoid a turn ſimilar to that of Pope in the known deſcription of the Man of Roſs.

Here

Here ſhall ſoft tents, o'er flowery lawns diſplay'd,
At night defend you, and at noon o'erſhade;
Here roſy health the ſweets of life will ſhower,
And new delights beguile each varied hour.
Mourns there a widow, bath'd in ſtreaming tears?
Stoops there a ſire beneath the weight of years?
Weeps there a maid, in pining ſadneſs left,
Of tender parents, and of hope, bereft?
To Solima their ſorrows they bewail;
To Solima they pour their plaintive tale.
She hears; and, radiant as the ſtar of day,
Through the thick foreſt gains her eaſy way:
She aſks what cares the joyleſs train oppreſs,
What ſickneſs waſtes them, or what wants diſtreſs;
And, as they mourn, ſhe ſteals a tender ſigh,
Whilſt all her ſoul ſits melting in her eye:
Then with a ſmile the healing balm beſtows,
And ſheds a tear of pity o'er their woes,
Which, as it drops, ſome ſoft-eyed angel bears
Transform'd to pearl, and in his boſom wears.

When, chill'd with fear, the trembling pilgrim roves
Through pathleſs deſerts, and through tangled groves,
Where mantling darkneſs ſpreads her dragon wing,
And birds of death their fatal dirges ſing,
While vapours pale a dreadful glimmering caſt,
And thrilling horrour howls in every blaſt;
She cheers his gloom with ſtreams of burſting light,
By day a ſun, a beaming moon by night;
Darts through the quivering ſhades her heavenly ray,
And ſpreads with riſing flowers his ſolitary way.

Ye

Ye heavens, for this in ſhowers of ſweetneſs ſhed
Your mildeſt influence o'er her favour'd head!
Long may her name, which diſtant climes ſhall praiſe,
Live in our notes, and bloſſom in our lays!
And, like an odorous plant, whoſe bluſhing flower
Paints every dale, and ſweetens every bower,
Borne to the ſkies in clouds of ſoft perfume
For ever flouriſh, and for ever bloom!
Theſe grateful ſongs, ye maids and youths, renew,
While freſh-blown violets drink the pearly dew;
O'er Azib's banks while love-lorn damſels rove,
And gales of fragrance breathe from Hager's grove.

So ſung the youth, whoſe ſweetly-warbled ſtrains
Fair Mena heard, and Saba's ſpicy plains.
Sooth'd with his lay, the raviſh'd air was calm,
The winds ſcarce whiſper'd o'er the waving palm;
The camels bounded o'er the flowery lawn,
Like the ſwift oſtrich, or the ſportful fawn;
Their ſilken bands the liſtening roſe-buds rent,
And twin'd their bloſſoms round his vocal tent:
He ſung, till on the bank the moonlight ſlept,
And cloſing flowers beneath the night-dew wept;
Then ceas'd, and ſlumber'd in the lap of reſt
Till the ſhrill lark had left his low-built neſt.
Now haſtes the ſwain to tune his rapturous tales
In other meadows, and in other vales.

THE

PALACE OF FORTUNE,

AN INDIAN TALE.

WRITTEN IN THE YEAR 1769.

MILD was the vernal gale, and calm the day,
When Maia near a cryſtal fountain lay,
Young Maia, faireſt of the blue-eyed maids,
That rov'd at noon in Tibet's muſky ſhades;
But, haply, wandering through the fields of air,
Some fiend had whiſper'd—Maia, thou art fair!
Hence ſwelling pride had fill'd her ſimple breaſt,
And riſing paſſions robb'd her mind of reſt;
In courts and glittering towers ſhe wiſh'd to dwell,
And ſcorn'd her labouring parent's lowly cell.
And now, as gazing o'er the glaſſy ſtream,
She ſaw her blooming cheek's reflected beam,
Her treſſes brighter than the morning ſky,
And the mild radiance of her ſparkling eye,
Low ſighs and trickling tears by turns ſhe ſtole,
And thus diſcharg'd the anguiſh of her ſoul:
" Why glow thoſe cheeks, if unadmir'd they glow?
" Why flow thoſe treſſes, if unprais'd they flow?
" Why dart thoſe eyes their liquid ray ſerene,
" Unfelt their influence, and their light unſeen?

" Ye

" Ye heavens! was that love-breathing boſom made
" To warm dull groves, and cheer the lonely glade?
" Ah, no: thoſe bluſhes, that enchanting face,
" Some tap'ſtried hall, or gilded bower, might grace;
" Might deck the ſcenes, where love and pleaſure reign,
" And fire with amorous flames the youthful train."

While thus ſhe ſpoke, a ſudden blaze of light
Shot through the clouds, and ſtruck her dazzled ſight.
She rais'd her head, aſtoniſh'd, to the ſkies,
And veil'd with trembling hands her aching eyes;
When through the yielding air ſhe ſaw from far
A goddeſs gliding in a golden car,
That ſoon deſcended on the flowery lawn,
By two fair yokes of ſtarry peacocks drawn:
A thouſand nymphs with many a ſprightly glance
Form'd round the radiant wheels an airy dance,
Celeſtial ſhapes! in fluid light array'd;
Like twinkling ſtars their beamy ſandals play'd;
Their lucid mantles glitter'd in the ſun,
(Webs half ſo bright the ſilkworm never ſpun)
Tranſparent robes, that bore the rainbow's hue,
And finer than the nets of pearly dew
That morning ſpreads o'er every opening flower,
When ſportive ſummer decks his bridal bower.

The queen herſelf, too fair for mortal ſight,
Sat in the centre of encircling light.
Soon with ſoft touch ſhe rais'd the trembling maid,
And by her ſide in ſilent ſlumber laid:

Straight

Straight the gay birds difplay'd their fpangled train,
And flew refulgent through th' aerial plain;
The fairy band their fhining pinions fpread,
And, as they rofe, frefh gales of fweetnefs fhed;
Fann'd with their flowing fkirts, the fky was mild;
And heaven's blue fields with brighter radiance fmil'd.

Now in a garden deck'd with verdant bowers
The glittering car defcends on bending flowers:
The goddefs ftill with looks divinely fair
Surveys the fleeping object of her care;
Then o'er her cheek her magick finger lays,
Soft as the gale that o'er a violet plays,
And thus in founds, that favour'd mortals hear,
She gently whifpers in her ravifh'd ear:

" Awake, fweet maid, and view this charming fcene
" For ever beauteous, and for ever green;
" Here living rills of pureft nectar flow
" O'er meads that with unfading flowerets glow;
" Here amorous gales their fcented wings difplay,
" Mov'd by the breath of ever-blooming May;
" Here in the lap of pleafure fhalt thou reft,
" Our lov'd companion, and our honour'd gueft."

The damfel hears the heavenly notes diftil,
Like melting fnow, or like a vernal rill.
She lifts her head, and, on her arm reclin'd,
Drinks the fweet accents in her grateful mind:
On all around fhe turns her roving eyes,
And views the fplendid fcene with glad furprize;

Frefh

Freſh lawns, and ſunny banks, and roſeate bowers,
Hills white with flocks, and meadows gemm'd with flowers;
Cool ſhades, a ſure defence from ſummer's ray,
And ſilver brooks, where wanton damſels play,
Which with ſoft notes their dimpled cryſtal roll'd
O'er colour'd ſhells and ſands of native gold;
A riſing fountain play'd from every ſtream,
Smil'd as it roſe, and caſt a tranſient gleam,
Then, gently falling in a vocal ſhower,
Bath'd every ſhrub, and ſprinkled every flower,
That on the banks, like many a lovely bride,
View'd in the liquid glaſs their bluſhing pride;
Whilſt on each branch, with purple bloſſoms hung,
The ſportful birds their joyous deſcant ſung.

While Maia, thus entranc'd in ſweet delight,
With each gay object fed her eager ſight,
The goddeſs mildly caught her willing hand,
And led her trembling o'er the flowery land,
Soon ſhe beheld, where through an opening glade
A ſpacious lake its clear expanſe diſplay'd;
In mazy curls the flowing jaſper wav'd
O'er its ſmooth bed with poliſh'd agate pav'd;
And on a rock of ice, by magick rais'd,
High in the midſt a gorgeous palace blaz'd;
The ſunbeams on the gilded portals glanc'd,
Play'd on the ſpires, and on the turrets danc'd;
To four bright gates four ivory bridges led,
With pearls illumin'd, and with roſes ſpread:
And now, more radiant than the morning ſun,
Her eaſy way the gliding goddeſs won;

Still

Still by her hand ſhe held the fearful maid,
And, as ſhe paſs'd, the fairies homage paid:
They enter'd ſtraight the ſumptuous palace-hall,
Where ſilken tapeſtry emblaz'd the wall,
Refulgent tiſſue, of an heavenly woof;
And gems unnumber'd ſparkled on the roof,
On whoſe blue arch the flaming diamonds play'd,
As on a ſky with living ſtars inlay'd;
Of precious diadems a regal ſtore,
With globes and ſceptres, ſtrew'd the porphyry floor;
Rich veſts of eaſtern kings around were ſpread,
And glittering zones a ſtarry luſtre ſhed:
But Maia moſt admir'd the pearly ſtrings,
Gay bracelets, golden chains, and ſparkling rings.

High in the centre of the palace ſhone,
Suſpended in mid-air, an opal throne:
To this the queen aſcends with royal pride,
And ſets the favour'd damſel by her ſide.
Around the throne in myſtick order ſtand
The fairy train, and wait her high command;
When thus ſhe ſpeaks: (the maid attentive ſips
Each word that flows, like nectar, from her lips.)

" Favourite of heaven, my much-lov'd Maia, know,
" From me all joys, all earthly bleſſings, flow:
" Me ſuppliant men imperial Fortune call,
" The mighty empreſs of yon rolling ball:
(She rais'd her finger, and the wondering maid
At diſtance hung the duſky globe ſurvey'd,

Saw

Saw the round earth with foaming oceans vein'd,
And labouring clouds on mountain-tops ſuſtain'd.)
" To me has fate the pleaſing taſk aſſign'd
" To rule the various thoughts of humankind;
" To catch each riſing wiſh, each ardent prayer,
" And ſome to grant, and ſome to waſte in air.
" Know farther; as I rang'd the cryſtal ſky,
" I ſaw thee near the murmuring fountain lie;
" Mark'd the rough ſtorm that gather'd in thy breaſt,
" And knew what care thy joyleſs ſoul oppreſt.
" Straight I reſolved to bring thee quick relief,
" Eaſe every weight, and ſoften every grief;
" If in this court contented thou canſt live,
" And taſte the joys theſe happy gardens give:
" But fill thy mind with vain deſires no more,
" And view without a wiſh yon ſhining ſtore:
" Soon ſhall a numerous train before me bend,
" And kneeling votaries my ſhrine attend;
" Warn'd by their empty vanities beware,
" And ſcorn the folly of each human prayer."

She ſaid; and ſtraight a damſel of her train
With tender fingers touch'd a golden chain.
Now a ſoft bell delighted Maia hears,
That ſweetly trembles on her liſtening ears;
Through the calm air the melting numbers float,
And wanton echo lengthens every note.
Soon through the dome a mingled hum aroſe,
Like the ſwift ſtream that o'er a valley flows;
Now louder ſtill it grew, and ſtill more loud,
As diſtant thunder breaks the burſting cloud:

Through

Through the four portals rufh'd a various throng,
That like a wintry torrent pour'd along:
A croud of every tongue, and every hue,
Toward the bright throne with eager rapture flew.
* A lovely ftripling ftepp'd before the reft
With hafty pace, and tow'rd the goddefs preft;
His mien was graceful, and his looks were mild,
And in his eye celeftial fweetnefs fmil'd:
Youth's purple glow, and beauty's rofy beam,
O'er his fmooth cheeks diffus'd a lively gleam;
The floating ringlets of his mufky hair
Wav'd on the bofom of the wanton air:
With modeft grace the goddefs he addreft,
And thoughtlefs thus preferr'd his fond requeft.

" Queen of the world, whofe wide-extended fway,
" Gay youth, firm manhood, and cold age obey,
" Grant me, while life's frefh blooming rofes fmile,
" The day with varied pleafures to beguile;
" Let me on beds of dewy flowers recline,
" And quaff with glowing lips the fparkling wine;
" Grant me to feed on beauty's rifled charms,
" And clafp a willing damfel in my arms;
" Her bofom fairer than a hill of fnow,
" And gently bounding like a playful roe;
" Her lips more fragrant than the fummer air,
" And fweet as Scythian mufk her hyacinthine hair;
" Let new delights each dancing hour employ,
" Sport follow fport, and joy fucceed to joy."

* Pleafure.

The

The goddeſs grants the ſimple youth's requeſt,
And mildly thus accoſts her lovely gueſt:
"On that ſmooth mirror, full of magick light,
"Awhile, dear Maia, fix thy wandering ſight."
She looks; and in th' enchanted cryſtal ſees
A bower o'er-canopied with tufted trees:
The wanton ſtripling lies beneath the ſhade,
And by his ſide reclines a blooming maid;
O'er her fair limbs a ſilken mantle flows,
Through which her youthful beauty ſoftly glows,
And part conceal'd, and part diſclos'd to ſight,
Through the thin texture caſts a ruddy light,
As the ripe cluſters of the mantling vine
Beneath the verdant foliage faintly ſhine,
And, fearing to be view'd by envious day,
Their glowing tints unwillingly diſplay.

The youth, while joy ſits ſparkling in his eyes,
Pants on her neck, and on her boſom dies;
From her ſmooth cheek nectareous dew he ſips,
And all his ſoul comes breathing to his lips.
But Maia turns her modeſt eyes away,
And bluſhes to behold their amorous play.

She looks again, and ſees with ſad ſurprize
On the clear glaſs far different ſcenes ariſe:
The bower, which late outſhone the roſy morn,
O'erhung with weeds ſhe ſaw, and rough with thorn;
With ſtings of aſps the leafleſs plants were wreath'd,
And curling adders gales of venom breath'd:

Low ſat the ſtripling on the faded ground,
And in a mournful knot his arms were bound;
His eyes, that ſhot before a ſunny beam,
Now ſcarcely ſhed a ſaddening, dying gleam;
Faint as a glimmering taper's waſted light,
Or a dull ray that ſtreaks the cloudy night:
His cryſtal vaſe was on the pavement roll'd,
And from the bank was fall'n his cup of gold;
From which th' envenom'd dregs of deadly hue
Flow'd on the ground in ſtreams of baleful dew,
And, ſlowly ſtealing through the wither'd bower,
Poiſon'd each plant, and blaſted every flower:
Fled were his ſlaves, and fled his yielding fair,
And each gay phantom was diſſolv'd in air;
Whilſt in their place was left a ruthleſs train,
Deſpair, and grief, remorſe, and raging pain.

Aſide the damſel turns her weeping eyes,
And ſad reflections in her boſom riſe;
To whom thus mildly ſpeaks the radiant queen:
"Take ſage example from this moral ſcene;
"See, how vain pleaſures ſting the lips they kiſs,
"How aſps are hid beneath the bowers of bliſs!
"Whilſt ever fair the flower of temperance blows,
"Unchang'd her leaf, and without thorn her roſe;
"Smiling ſhe darts her glittering branch on high,
"And ſpreads her fragrant bloſſoms to the ſky."

* Next tow'rd the throne ſhe ſaw a knight advance;
Erect he ſtood, and ſhook a quivering lance;

* Glory.

A fiery

A fiery dragon on his helmet ſhone ;
And on his buckler beam'd a golden ſun ;
O'er his broad boſom blaz'd his jointed mail
With many a gem, and many a ſhining ſcale ;
He trod the ſounding floor with princely mien,
And thus with haughty words addreſs'd the queen :
" Let falling kings beneath my javelin bleed,
" And bind my temples with a victor's meed ;
" Let every realm that feels the ſolar ray,
" Shrink at my frown, and own my regal ſway :
" Let Ind's rich banks declare my deathleſs fame,
" And trembling Ganges dread my potent name."

The queen conſented to the warriour's pray'r,
And his bright banners floated in the air :
He bade his darts is ſteely tempeſts fly,
Flames burſt the clouds, and thunder ſhake the ſky ;
Death aim'd his lance, earth trembled at his nod,
And crimſon conqueſt glow'd where'er he trod.

And now the damſel, fix'd in deep amaze,
Th' enchanted glaſs with eager look ſurveys :
She ſees the hero in his duſky tent,
His guards retir'd, his glimmering taper ſpent ;
His ſpear, vain inſtrument of dying praiſe,
On the rich floor with idle ſtate he lays ;
His gory falchion near his pillow ſtood,
And ſtain'd the ground with drops of purple blood ;
A buſy page his nodding helm unlac'd,
And on the couch his ſcaly hauberk plac'd.

Now

Now on the bed his weary limbs he throws,
Bath'd in the balmly dew of ſoft repoſe:
In dreams he ruſhes o'er the gloomy field,
He ſees new armies fly, new heroes yield;
Warm with the vigorous conflict he appears,
And ev'n in ſlumber ſeems to move the ſpheres.
But lo! the faithleſs page, with ſtealing tread,
Advances to the champion's naked head;
With his ſharp dagger wounds his bleeding breaſt,
And ſteeps his eyelids in eternal reſt:
Then cries (and waves the ſteel that drops with gore),
" The tyrant dies; oppreſſion is no more."

* Now came an aged ſire with trembling pace;
Sunk were his eyes, and pale his ghaſtly face;
A ragged weed of duſky hue he wore,
And on his back a ponderous coffer bore.
The queen with faltering ſpeech he thus addreſt:
" O, fill with gold thy true adorer's cheſt!"

" Behold, ſaid ſhe, and wav'd her powerful hand,
" Where yon rich hills in glittering order ſtand:
" There load thy coffer with the golden ſtore;
" Then bear it full away, and aſk no more."

With eager ſteps he took his haſty way,
Where the bright coin in heaps unnumber'd lay;
There hung enamour'd o'er the gleaming ſpoil,
Scoop'd the gay droſs, and bent beneath the toil.

* Riches.

But

But bitter was his anguiſh, to behold
The coffer widen, and its ſides unfold:
And every time he heap'd the darling ore,
His greedy cheſt grew larger than before;
Till, ſpent with pain, and falling o'er his hoard,
With his ſharp ſteel his maddening breaſt he gor'd:
On the lov'd heap he caſt his cloſing eye,
Contented on a golden couch to die.

A ſtripling, with the fair adventure pleas'd,
Stepp'd forward, and the maſſy coffer ſeiz'd;
But with ſurprize he ſaw the ſtores decay,
And all the long-ſought treaſures melt away:
In winding ſtreams the liquid metal roll'd,
And through the palace ran a flood of gold.

* Next to the ſhrine advanc'd a reverend ſage,
Whoſe beard was hoary with the froſt of age;
His few gray locks a ſable fillet bound,
And his dark mantle flow'd along the ground:
Grave was his port, yet ſhow'd a bold neglect,
And fill'd the young beholder with reſpect;
Time's envious hand had plough'd his wrinkled face,
Yet on thoſe wrinkles ſat ſuperiour grace;
Still full of fire appear'd his vivid eye,
Darted quick beams, and ſeem'd to pierce the ſky.
At length, with gentle voice and look ſerene,
He wav'd his hand, and thus addreſs'd the queen:

* Knowledge.

" Twice

" Twice forty winters tip my beard with ſnow,
" And age's chilling guſts around me blow:
" In early youth, by contemplation led,
" With high purſuits my flatter'd thoughts were fed;
" To nature firſt my labours were confin'd,
" And all her charms were open'd to my mind,
" Each flower that gliſten'd in the morning dew,
" And every ſhrub that in the foreſt grew:
" From earth to heaven I caſt my wondering eyes,
" Saw ſuns unnumber'd ſparkle in the ſkies,
" Mark'd the juſt progreſs of each rolling ſphere,
" Deſcrib'd the ſeaſons, and reform'd the year.
" At length ſublimer ſtudies I began,
" And fix'd my level'd teleſcope on man;
" Knew all his powers, and all his paſſions trac'd,
" What virtue rais'd him, and what vice debas'd:
" But when I ſaw his knowledge ſo confin'd,
" So vain his wiſhes, and ſo weak his mind,
" His ſoul, a bright obſcurity at beſt,
" And rough with tempeſts his afflicted breaſt,
" His life, a flower, ere evening ſure to fade,
" His higheſt joys, the ſhadow of a ſhade;
" To thy fair court I took my weary way,
" Bewail my folly, and heaven's laws obey,
" Confeſs my feeble mind for prayers unfit,
" And to my Maker's will my ſoul ſubmit:
" Great empreſs of yon orb that rolls below,
" On me the laſt beſt gift of heaven beſtow."

He ſpoke: a ſudden cloud his ſenſes ſtole,
And thickening darkneſs ſwam o'er all his ſoul;

His

His vital ſpark her earthly cell forſook,
And into air her fleeting progreſs took.

Now from the throng a deafening ſound was heard,
And all at once their various prayers preferr'd;
The goddeſs, wearied with the noiſy croud,
Thrice wav'd her ſilver wand, and ſpoke aloud:
"Our ears no more with vain petitions tire,
"But take unheard whate'er you firſt deſire."
She ſaid: each wiſh'd, and what he wiſh'd obtain'd;
And wild confuſion in the palace reign'd.

But Maia, now grown ſenſeleſs with delight,
Caſt on an emerald ring her roving ſight;
And, ere ſhe could ſurvey the reſt with care,
Wiſh'd on her hand the precious gem to wear.

Sudden the palace vaniſh'd from her ſight,
And the gay fabrick melted into night;
But, in its place, ſhe view'd with weeping eyes
Huge rocks around her, and ſharp cliffs ariſe:
She ſat deſerted on the naked ſhore,
Saw the curl'd waves, and heard the tempeſt roar;
Whilſt on her finger ſhone the fatal ring,
A weak defence from hunger's pointed ſting,
From ſad remorſe, from comfortleſs deſpair,
And all the painful family of care!
Frantick with grief her roſy cheek ſhe tore,
And rent her locks, her darling charge no more:
But when the night his raven wing had ſpread,
And hung with ſable every mountain's head,

Her

Her tender limbs were numb'd with biting cold,
And round her feet the curling billows roll'd;
With trembling arms a rifted crag ſhe graſp'd,
And the rough rock with hard embraces claſp'd.

While thus ſhe ſtood, and made a piercing moan,
By chance her emerald touch'd the rugged ſtone;
That moment gleam'd from heaven a golden ray,
And taught the gloom to counterfeit the day:
A winged youth, for mortal eyes too fair,
Shot like a meteor through the duſky air;
His heavenly charms o'ercame her dazzled ſight,
And drown'd her ſenſes in a flood of light;
His ſunny plumes deſcending he diſplay'd,
And ſoftly thus addreſs'd the mournful maid:

"Say, thou, who doſt yon wondrous ring poſſeſs,
"What cares diſturb thee, or what wants oppreſs;
"To faithful ears diſcloſe thy ſecret grief,
"And hope (ſo heaven ordains) a quick relief."

The maid replied, "Ah, ſacred genius, bear
"A hopeleſs damſel from this land of care;
"Waft me to ſofter climes and lovelier plains,
"Where nature ſmiles, and ſpring eternal reigns."

She ſpoke; and ſwifter than the glance of thought
To a fair iſle his ſleeping charge he brought.

Now morning breath'd: the ſcented air was mild,
Each meadow bloſſom'd, and each valley ſmil'd;

On

On every ſhrub the pearly dewdrops hung,
On every branch a feather'd warbler ſung;
The cheerful ſpring her flowery chaplets wove,
And incenſe-breathing gales perfum'd the grove.

The damſel roſe; and, loſt in glad ſurprize,
Caſt round the gay expanſe her opening eyes,
That ſhone with pleaſure like a ſtarry beam,
Or moonlight ſparkling on a ſilver ſtream.
She thought ſome nymph muſt haunt that lovely ſcene,
Some woodland goddeſs, or ſome fairy queen;
At leaſt ſhe hop'd in ſome ſequeſter'd vale
To hear the ſhepherd tell his amorous tale:
Led by theſe flattering hopes from glade to glade,
From lawn to lawn with haſty ſteps ſhe ſtray'd;
But not a nymph by ſtream or fountain ſtood,
And not a fairy glided through the wood;
No damſel wanton'd o'er the dewy flowers,
No ſhepherd ſung beneath the roſy bowers:
On every ſide ſhe ſaw vaſt mountains riſe,
That thruſt their daring foreheads in the ſkies;
The rocks of poliſh'd alabaſter ſeem'd,
And in the ſun their lofty ſummits gleam'd.
She call'd aloud, but not a voice replied,
Save echo babling from the mountain's ſide.

By this had night o'ercaſt the gloomy ſcene,
And twinkling ſtars emblaz'd the blue ſerene,
Yet on ſhe wander'd till with grief oppreſt
She fell; and, falling, ſmote her ſnowy breaſt:

Now to the heavens her guilty head ſhe rears,
And pours her burſting ſorrow into tears;
Then plaintive ſpeaks, "Ah! fond miſtaken maid,
"How was thy mind by gilded hopes betray'd!
"Why didſt thou wiſh for bowers and flowery hills,
"For ſmiling meadows, and for purling rills;
"Since on thoſe hills no youth or damſel roves,
"No ſhepherd haunts the ſolitary groves?
"Ye meads that glow with intermingled dyes,
"Ye flowering palms that from yon hillocks riſe,
"Ye quivering brooks that ſoftly murmur by,
"Ye panting gales that on the branches die;
"Ah! why has Nature through her gay domain
"Diſplay'd your beauties, yet diſplay'd in vain?
"In vain, ye flowers, you boaſt your vernal bloom,
"And waſte in barren air your freſh perfume.
"Ah! leave, ye wanton birds, yon lonely ſpray;
"Unheard you warble, and unſeen you play:
"Yet ſtay till fate has fix'd my early doom,
"And ſtrow with leaves a hapleſs damſel's tomb.
"Some grot or graſſy bank ſhall be my bier,
"My maiden herſe unwater'd with a tear."

Thus while ſhe mourns, o'erwhelm'd in deep deſpair,
She rends her ſilken robes, and golden hair:
Her fatal ring, the cauſe of all her woes,
On a hard rock with maddening rage ſhe throws;
The gem, rebounding from the ſtone, diſplays
Its verdant hue, and ſheds refreſhing rays:
Sudden deſcends the genius of the ring,
And drops celeſtial fragrance from his wing;

Then

Then ſpeaks, "Who calls me from the realms of day?
"Aſk, and I grant; command, and I obey."

She drank his melting words with raviſh'd ears,
And ſtopp'd the guſhing current of her tears;
Then kiſs'd his ſkirts, that like a ruby glow'd,
And ſaid, "O bear me to my ſire's abode."

Straight o'er her eyes a ſhady veil aroſe,
And all her ſoul was lull'd in ſtill repoſe.

By this with flowers the roſy-finger'd dawn
Had ſpread each dewy hill and verdurous lawn;
She wak'd, and ſaw a new-built tomb that ſtood
In the dark boſom of a ſolemn wood,
While theſe ſad ſounds her trembling ears invade:
"Beneath yon marble ſleeps thy father's ſhade."
She ſigh'd, ſhe wept; ſhe ſtruck her penſive breaſt,
And bade his urn in peaceful ſlumber reſt.

And now in ſilence o'er the gloomy land
She ſaw advance a ſlowly-winding band;
Their cheeks were veil'd, their robes of mournful hue
Flow'd o'er the lawn, and ſwept the pearly dew;
O'er the freſh turf they ſprinkled ſweet perfume,
And ſtrow'd with flowers the venerable tomb.
A graceful matron walk'd before the train,
And tun'd in notes of wo the funeral ſtrain:
When from her face her ſilken veil ſhe drew,
The watchful maid her aged mother knew.

O'erpowered

O'erpowered with burſting joy ſhe runs to meet
The mourning dame, and falls before her feet.
The matron with ſurprize her daughter rears,
Hangs on her neck, and mingles tears with tears.
Now o'er the tomb their hallow'd rites they pay,
And form with lamps an artificial day:
Erelong the damſel reach'd her native vale,
And told with joyful heart her moral tale;
Reſign'd to heaven, and loſt to all beſide,
She liv'd contented, and contented died.

THE

SEVEN FOUNTAINS,

AN EASTERN ALLEGORY.

WRITTEN IN THE YEAR 1767.

DECK'D with fresh garlands, like a rural bride,
And with the crimson streamer's waving pride,
A wanton bark was floating o'er the main,
And seem'd with scorn to view the azure plain:
Smooth were the waves; and scarce a whispering gale
Fann'd with his gentle plumes the silken sail.
High on the burnish'd deck, a gilded throne
With orient pearls and beaming diamonds shone;
On which reclin'd a youth of graceful mien,
His sandals purple, and his mantle green;
His locks in ringlets o'er his shoulders roll'd,
And on his cheek appear'd the downy gold.
Around him stood a train of smiling boys,
Sporting with idle cheer and mirthful toys;
* Ten comely striplings, girt with spangled wings,
Blew piercing flutes, or touch'd the quivering strings;
Ten more, in cadence to the sprightly strain,
Wak'd with their golden oars the slumbering main:
The waters yielded to their guiltless blows,
And the green billows sparkled as they rose.

* The follies of youth.

Long

Long time the barge had danc'd along the deep,
And on its glaſſy boſom ſeem'd to ſleep;
* But now a glittering iſle aroſe in view,
Bounded with hillocks of a verdant hue :
Freſh groves and roſeate bowers appear'd above
(Fit haunts, be ſure, of pleaſure and of love),
And higher ſtill a thouſand blazing ſpires
Seem'd with gilt tops to threat the heavenly fires.
Now each fair ſtripling plied his labouring oar,
And ſtraight the pinnace ſtruck the ſandy ſhore.
The youth aroſe, and, leaping on the ſtrand,
Took his lone way along the ſilver ſand;
While the light bark, and all the airy crew,
Sunk like a miſt beneath the briny dew.

With eager ſteps the young adventurer ſtray'd
Through many a grove, and many a winding glade:
At length he heard the chime of tuneful ſtrings,
That ſweetly floated on the Zephyr's wings;
† And ſoon a band of damſels blithe and fair,
With flowing mantles and diſhevel'd hair,
Ruſh'd with quick pace along the ſolemn wood,
Where rapt in wonder and delight he ſtood:
In looſe tranſparent robes they were array'd,
Which half their beauties hid, and half diſplay'd.

A lovely nymph approach'd him with a ſmile,
And ſaid, " O, welcome to this bliſsful iſle!

* The world. † The follies and vanities of the world.

" For

" For thou art he, whom ancient bards foretold,
" Doom'd in our clime to bring an age of gold:
" Hail, ſacred king! and from thy ſubject's hand,
" Accept the robes and ſceptre of the land."

" Sweet maid, ſaid he, fair learning's heavenly beam
" O'er my young mind ne'er ſhed her favouring gleam;
" Nor has my arm e'er hurl'd the fatal lance,
" While deſperate legions o'er the plain advance.
" How ſhould a ſimple youth, unfit to bear
" The ſteely mail, that ſplendid mantle wear!"
" Ah! ſaid the damſel, from this happy ſhore,
" We baniſh wiſdom, and her idle lore;
" No clarions here the ſtrains of battle ſing,
" With notes of mirth our joyful valleys ring.
" Peace to the brave! o'er us the beauteous reign,
" And ever-charming pleaſures form our train."

This ſaid, a diadem, inlay'd with pearls,
She plac'd reſpectful on his golden curls;
Another o'er his graceful ſhoulder threw
A ſilken mantle of the roſe's hue,
Which, claſp'd with ſtuds of gold, behind him flow'd,
And through the folds his glowing boſom ſhow'd.
Then in a car, by ſnow-white courſers drawn,
They led him o'er the dew-beſprinkled lawn,
Through groves of joy and arbours of delight,
With all that could allure his raviſh'd ſight;
Green hillocks, meads, and roſy grots, he view'd,
And verdurous plains with winding ſtreams bedew'd.

On

On every bank, and under every ſhade,
A thouſand youths, a thouſand damſels play'd;
Some wantonly were tripping in a ring
On the ſoft border of a guſhing ſpring;
While ſome, reclining in the ſhady vales,
Told to their ſmiling loves their amorous tales:
But when the ſportful train beheld from far
The nymphs returning with the ſtately car,
O'er the ſmooth plain with haſty ſteps they came,
And hail'd their youthful king with loud acclaim;
With flowers of every tint the paths they ſtrow'd,
And caſt their chaplets on the hallow'd road.

At laſt they reach'd the boſom of a wood,
Where on a hill a radiant palace ſtood;
A ſumptuous dome, by hands immortal made,
Which on its walls and on its gates diſplay'd
The gems that in the rocks of Tibet glow,
The pearls that in the ſhells of Ormus grow.
And now a numerous train advance to meet
The youth, deſcending from his regal ſeat;
Whom to a rich and ſpacious hall they led,
With ſilken carpets delicately ſpread:
There on a throne, with gems unnumber'd grac'd,
Their lovely king ſix blooming damſels plac'd*,
And, meekly kneeling, to his modeſt hand
They gave the glittering ſceptre of command;
Then on ſix ſmaller thrones they ſat reclin'd,
And watch'd the riſing tranſports of his mind:

* The pleaſures of the ſenſes.

When

When thus the youth a blufhing nymph addrefs'd,
And, as he fpoke, her hand with rapture prefs'd:

" Say, gentle damfel, may I afk unblam'd,
" How this gay ifle, and fplendid feats are nam'd?
" And you, fair queens of beauty and of grace,
" Are you of earthly or celeftial race?
" To me the world's bright treafures were unknown,
" Where late I wander'd, penfive and alone;
" And, flowly winding on my native fhore,
" Saw the vaft ocean roll, but faw no more;
" Till from the waves with many a charming fong,
" A barge arofe, and gayly mov'd along;
" The jolly rowers reach'd the yielding fands,
" Allur'd my fteps, and wav'd their fhining hands:
" I went, faluted by the vocal train,
" And the fwift pinnace cleav'd the waves again;
" When on this ifland ftruck the gilded prow,
" I landed full of joy: the reft you know.
" Short is the ftory of my tender years:
" Now fpeak, fweet nymph, and charm my liftening ears."

" Thefe are the groves, for ever deck'd with flowers,
" The maid replied, and thefe the fragrant bowers,
" Where Love and Pleafure hold their airy court,
" The feat of blifs, of fprightlinefs, and fport;
" And we, dear youth, are nymphs of heavenly line;
" Our fouls immortal, as our forms divine:
" For Maia, fill'd with Zephyr's warm embrace,
" In caves and forefts cover'd her difgrace;

" At laſt ſhe reſted on this peaceful ſhore,
" Where in yon grot a lovely boy ſhe bore,
" Whom freſh and wild and frolick from his birth
" She nurs'd in myrtle bowers, and call'd him Mirth.
" He on a ſummer's morning chanc'd to rove
" Through the green labyrinth of ſome ſhady grove,
" Where, by a dimpled rivulet's verdant ſide,
" A riſing bank, with woodbine edg'd, he ſpied:
" There, veil'd with flowerets of a thouſand hues,
" A nymph lay bath'd in ſlumber's balmy dews:
" (This maid by ſome, for ſome our race defame,
" Was Folly call'd, but Pleaſure was her name:)
" Her mantle, like the ſky in April, blue,
" Hung on a bloſſom'd branch that near her grew;
" For, long diſporting in the ſilver ſtream,
" She ſhunn'd the blazing day-ſtar's ſultry beam;
" And, ere ſhe could conceal her naked charms,
" Sleep caught her trembling in his downy arms:
" Borne on the wings of Love, he flew, and preſs'd
" Her breathing boſom to his eager breaſt.
" At his wild theft the roſy morning bluſh'd,
" The rivulet ſmil'd, and all the woods were huſh'd.
" Of theſe fair parents on this bliſsful coaſt
" (Parents like Mirth and Pleaſure who can boaſt?)
" I with five ſiſters, on one happy morn,
" All fair alike, behold us now, were born.
" When they to brighter regions took their way,
" By Love invited to the realms of day,
" To us they gave this large, this gay domain,
" And ſaid, departing, Here let Beauty reign.
" Then reign, fair prince, in thee all beauties ſhine,
" And, ah! we know thee of no mortal line."

She

She ſaid; the king with rapid ardour glow'd,
And the ſwift poiſon through his boſom flow'd:
But while ſhe ſpoke he caſt his eyes around
To view the dazzling roof, and ſpangled ground;
Then, turning with amaze from ſide to ſide,
Seven golden doors, that richly ſhone, he ſpied,
And ſaid, "Fair nymph (but let me not be bold),
"What mean thoſe doors that blaze with burniſh'd gold?"
"To ſix gay bowers, the maid replied, they lead,
"Where Spring eternal crowns the glowing mead;
"Six fountains there, that glitter as they play,
"Riſe to the ſun with many a colour'd ray."
"But the ſeventh door, ſaid he, what beauties grace?"
"O, 'tis a cave, a dark and joyleſs place,
"A ſcene of nameleſs deeds, and magick ſpells,
"Where day ne'er ſhines, and pleaſure never dwells:
"Think not of that. But come, my royal friend,
"And ſee what joys thy favour'd ſteps attend."
She ſpoke, and pointed to the neareſt door:
Swift he deſcends; the damſel flies before;
She turns the lock; it opens at command;
The maid and ſtripling enter hand in hand.

The wondering youth beheld an opening glade,
Where in the midſt a cryſtal fountain play'd *;
The ſilver ſands, that on its bottom grew,
Were ſtrown with pearls and gems of varied hue;
The diamond ſparkled like the ſtar of day,
And the ſoft topaz ſhed a golden ray;

* Sight.

Clear

Clear amethyſts combin'd their purple gleam
With the mild emerald's ſight refreſhing beam;
The ſapphire ſmil'd like yon blue plain above,
And rubies ſpread the bluſhing tint of love.
"Theſe are the waters of eternal light,
"The damſel ſaid, the ſtream of heavenly ſight;
"See, in this cup (ſhe ſpoke, and ſtoop'd to fill
"A vaſe of jaſper with the ſacred rill),
"See, how the living waters bound and ſhine,
"Which this well-poliſh'd gem can ſcarce confine!"
From her ſoft hand the lucid urn he took,
And quaff'd the nectar with a tender look:
Straight from his eyes a cloud of darkneſs flew,
And all the ſcene was open'd to his view;
Not all the groves, where ancient bards have told,
Of vegetable gems, and blooming gold;
Not all the bowers which oft in flowery lays
And ſolemn tales Arabian poets praiſe;
Though ſtreams of honey flow'd through every mead,
Though balm and amber dropp'd from every reed;
Held half the ſweets that Nature's ample hand
Had pour'd luxuriant o'er this wondrous land.
All flowerets here their mingled rays diffuſe,
The rainbow's tints to theſe were vulgar hues;
All birds that in the ſtream their pinion dip,
Or from the brink the liquid cryſtal ſip,
Or ſhow their beauties to the ſunny ſkies,
Here wav'd their plumes that ſhone with varying dyes;
But chiefly he, that o'er the verdant plain
Spreads the gay eyes which grace his ſpangled train;

And

And he, who, proudly ſailing, loves to ſhow
His mantling wings and neck of downy ſnow;
Nor abſent he, who learns the human ſound,
With wavy gold and moving emeralds crown'd;
Whoſe head and breaſt with poliſh'd ſapphires glow,
And on whoſe wing the gems of Indus grow.
The monarch view'd their beauties o'er and o'er,
He was all eye, and look'd from every pore.
But now the damſel calls him from his trance;
And o'er the lawn delighted they advance:
They paſs the hall adorn'd with royal ſtate,
And enter now with joy the ſecond gate *.

A ſoothing ſound he heard (but taſted firſt
The guſhing ſtream that from the valley burſt),
And in the ſhade beheld a youthful quire
That touch'd with flying hands the trembling lyre:
Melodious notes, drawn out with magick art,
Caught with ſweet extaſy his raviſh'd heart;
An hundred nymphs their charming deſcants play'd,
And melting voices died along the glade;
The tuneful ſtream that murmur'd as it roſe,
The birds that on the trees bewail'd their woes,
The boughs, made vocal by the whiſpering gale,
Join'd their ſoft ſtrain, and warbled through the vale.
The concert ends: and now the ſtripling hears
A tender voice that ſtrikes his wondering ears;
A beauteous bird, in our rude climes unknown,
That on a leafy arbour ſits alone,

* Hearing.

Strains

Strains his ſweet throat, and waves his purple wings,
And thus in human accents ſoftly ſings :

"Riſe, lovely pair, a ſweeter bower invites
"Your eager ſteps, a bower of new delights ;
"Ah ! crop the flowers of pleaſure while they blow,
"Ere winter hides them in a veil of ſnow.
"Youth, like a thin anemone, diſplays
"His ſilken leaf, and in a morn decays.
"See, gentle youth, a lily-boſom'd bride !
"See, nymph, a blooming ſtripling by thy ſide !
"Then haſte, and bathe your ſouls in ſoft delights,
"A ſweeter bow'r your wandering ſteps invites."

He ceas'd ; the ſlender branch, from which he flew,
Bent its fair head, and ſprinkled pearly dew.
The damſel ſmil'd ; the bluſhing youth was pleas'd,
And by her willing hand his charmer ſeiz'd :
The lovely nymph, who ſigh'd for ſweeter joy,
To the third gate * conducts the amorous boy ;
She turns the key ; her cheeks like roſes bloom,
And on the lock her fingers drop perfume.

His raviſh'd ſenſe a ſcene of pleaſure meets,
A maze of joy, a paradiſe of ſweets ;
But firſt his lips had touch'd th' alluring ſtream,
That through the grove diſplay'd a ſilver gleam.
Through jaſmine bowers, and violet-ſcented vales,
On ſilken pinions flew the wanton gales,

* Smell.

Arabian

Arabian odours on the plants they left,
And whiſper'd to the woods their ſpicy theft;
Beneath the ſhrubs, that ſpread a trembling ſhade,
The muſky roes, and fragrant civets, play'd.
As when at eve an Eaſtern merchant roves
From Hadramut to Aden's ſpikenard groves,
Where ſome rich caravan not long before
Has paſs'd, with caſſia fraught, and balmy ſtore,
Charm'd with the ſcent that hills and vales diffuſe,
His grateful journey gayly he purſues;
Thus pleas'd, the monarch fed his eager ſoul,
And from each breeze a cloud of fragrance ſtole:
Soon the fourth door * he paſs'd with eager haſte,
And the fourth ſtream was nectar to his taſte.

Before his eyes, on agate columns rear'd,
On high a purple canopy appear'd;
And under it in ſtately form was plac'd
A table with a thouſand vaſes grac'd;
Laden with all the dainties that are found
In air, in ſeas, or on the fruitful ground.
Here the fair youth reclin'd with decent pride,
His wanton nymph was ſeated by his ſide:
All that could pleaſe the taſte the happy pair
Cull'd from the loaded board with curious care;
O'er their enchanted heads a mantling vine
His curling tendrils wove with amorous twine;
From the green ſtalks the glowing cluſters hung
Like rubies on a thread of emeralds ſtrung;

* Taſte.

With

With theſe were other fruits of every hue,
The pale, the red, the golden, and the blue.
An hundred ſmiling pages ſtood around,
Their ſhining brows with wreaths of myrtle bound:
They, in tranſparent cups of agate, bore
Of ſweetly-ſparkling wines a precious ſtore;
The ſtripling ſipp'd and revel'd, till the ſun
Down heaven's blue vault his daily courſe had run;
Then roſe, and, follow'd by the gentle maid,
Op'd the fifth door *: a ſtream before them play'd.

The king, impatient for the cooling draught,
In a full cup the myſtic nectar quaff'd;
Then with a ſmile (he knew no higher bliſs)
From her ſweet lip he ſtole a balmy kiſs:
On the ſmooth bank of violets they reclin'd;
And, whilſt a chaplet for his brow ſhe twin'd,
With his ſoft cheek her ſofter cheek he preſs'd,
His pliant arms were folded round her breaſt.
She ſmil'd, ſoft lightning darted from her eyes,
And from his fragrant ſeat ſhe bade him riſe;
Then, while a brighter bluſh her face o'erſpread,
To the ſixth gate † her willing gueſt ſhe led.

The golden lock ſhe ſoftly turn'd around;
The moving hinges gave a pleaſing ſound:
The boy delighted ran with eager haſte,
And to his lips the living fountain plac'd;
The magick water pierc'd his kindled brain,
And a ſtrange venom ſhot from vein to vein.

* Touch. † The ſenſual pleaſures united.

Whatever

Whatever charms he ſaw in other bowers,
Were here combin'd, fruits, muſick, odours, flowers;
A couch beſides, with ſofteſt ſilk o'erlaid;
And, ſweeter ſtill, a lovely yielding maid,
Who now more charming ſeem'd, and not ſo coy,
And in her arms infolds the bluſhing boy:
They ſport and wanton, till, with ſleep oppreſs'd,
Like two freſh roſe-buds on one ſtalk, they reſt.

When morning ſpread around her purple flame,
To the ſweet couch the five fair ſiſters came;
They hail'd the bridegroom with a cheerful voice,
And bade him make with ſpeed a ſecond choice.
Hard taſk to chooſe, when all alike were fair!
Now this, now that, engag'd his anxious care:
Then to the firſt who ſpoke his hand he lent;
The reſt retir'd, and whiſper'd as they went.
The prince enamour'd view'd his ſecond bride;
They left the bower, and wander'd ſide by ſide,
With her he charm'd his ears, with her his ſight;
With her he paſs'd the day, with her the night.
Thus all by turns the ſprightly ſtranger led,
And all by turns partook his nuptial bed;
Hours, days, and months, in pleaſure flow'd away;
All laugh'd, all ſweetly ſung, and all were gay.

So had he wanton'd threeſcore days and ſeven,
More bleſt, he thought, than any ſon of heaven:
Till on a morn, with ſighs and ſtreaming tears,
The train of nymphs before his bed appears;

And

And thus the youngeſt of the ſiſters ſpeaks,
Whilſt a ſad ſhower runs trickling down her cheeks:

"A cuſtom which we cannot, dare not fail
"(Such are the laws that in our iſle prevail),
"Compels us, prince, to leave thee here alone,
"Till thrice the ſun his riſing front has ſhown:
"Our parents, whom, alas! we muſt obey,
"Expect us at a ſplendid feaſt to-day;
"What joy to us can all their ſplendour give?
"With thee, with only thee, we wiſh to live.
"Yet may we hope, theſe gardens will afford
"Some pleaſing ſolace to our abſent lord?
"Six golden keys, that ope yon bliſsful gates,
"Where joy, eternal joy, thy ſteps awaits,
"Accept: the ſeventh (but that you heard before)
"Leads to a cave, where ravening monſters roar;
"A ſullen, dire, inhoſpitable cell,
"Where deathful ſpirits and magicians dwell.
"Farewel, dear youth; how will our boſoms burn
"For the ſweet moment of our bleſt return!"

The king, who wept, yet knew his tears were vain,
Took the ſeven keys, and kiſs'd the parting train.
A glittering car, which bounding courſers drew,
They mounted ſtraight, and through the foreſt flew.

The youth, unknowing how to paſs the day,
Review'd the bowers, and heard the fountains play;
By hands unſeen whate'er he wiſh'd was brought;
And pleaſures roſe obedient to his thought.

Yet

Yet all the ſweets, that raviſh'd him before,
Were tedious now, and charm'd his ſoul no more:
Leſs lovely ſtill, and ſtill leſs gay they grew;
He ſigh'd, he wiſh'd, and long'd for ſomething new:
Back to the hall he turn'd his weary feet,
And ſat repining on his royal ſeat.
Now on the ſeventh bright gate he caſts his eyes
And in his boſom roſe a bold ſurmiſe:
" The nymph, ſaid he, was ſure diſpos'd to jeſt,
" Who talk'd of dungeons in a place ſo bleſt:
" What harm to open, if it be a cell
" Where deathful ſpirits and magicians dwell?
" If dark or foul, I need not paſs the door;
" If new or ſtrange, my ſoul deſires no more."
He ſaid, and roſe; then took the golden keys,
And op'd the door: the hinges mov'd with eaſe.

Before his eyes appear'd a ſullen gloom,
Thick, hideous, wild; a cavern, or a tomb.
Yet as he longer gaz'd, he ſaw afar
A light that ſparkled like a ſhooting ſtar.
He paus'd: at laſt, by ſome kind angel led,
He enter'd, and advanc'd with cautious tread.
Still as he walk'd, the light appear'd more clear;
Hope ſooth'd him then, and ſcarcely left a fear.
At length an aged ſire ſurpriz'd he ſaw,
Who fill'd his boſom with a ſacred awe *:
A book he held, which, as reclin'd he lay,
He read, aſſiſted by a taper's ray;

* Religion.

His

His beard, more white than ſnow on winter's breaſt,
Hung to the zone that bound his ſable veſt;
A pleaſing calmneſs on his brow was ſeen,
Mild was his look, majeſtick was his mien.
Soon as the youth approach'd the reverend ſage,
He rais'd his head, and clos'd the ſerious page;
Then ſpoke: "O ſon, what chance has turn'd thy feet
"To this dull ſolitude, and lone retreat?"
To whom the youth: "Firſt, holy father, tell,
"What force detains thee in this gloomy cell?
"This iſle, this palace, and thoſe balmy bowers,
"Where ſix ſweet fountains fall on living flowers,
"Are mine; a train of damſels choſe me king,
"And through my kingdom ſmiles perpetual ſpring.
"For ſome important cauſe to me unknown,
"This day they left me joyleſs and alone;
"But, ere three morns with roſes ſtrow the ſkies,
"My lovely brides will charm my longing eyes."

"Youth, ſaid the ſire, on this auſpicious day
"Some angel hither led thy erring way:
"Hear a ſtrange tale, and tremble at the ſnare,
"Which for thy ſteps thy pleaſing foes prepare.
"Know, in this iſle prevails a bloody law;
"Liſt, ſtripling, liſt! (the youth ſtood fix'd with awe:)
"* But ſeventy days the hapleſs monarchs reign,
"Then cloſe their lives in exile and in pain;
"Doom'd in a deep and frightful cave to rove,
"Where darkneſs hovers o'er the iron grove.

* The life of man.

"Yet

" Yet know, thy prudence and thy timely care
" May ſave thee, ſon, from this deſtructive ſnare.
" * Not far from this a lovelier iſland lies,
" Too rich, too ſplendid, for unhallow'd eyes:
" On that bleſt ſhore a ſweeter fountain flows
" Than this vain clime, or this gay palace knows,
" Which if thou taſte, whate'er was ſweet before
" Will bitter ſeem, and ſteal thy ſoul no more.
" But, ere theſe happy waters thou canſt reach,
" Thy weary ſteps muſt paſs yon rugged beach,
" † Where the dark ſea with angry billows raves,
" And, fraught with monſters, curls his howling waves;
" If to my words obedient thou attend,
" Behold in me thy pilot and thy friend.
" A bark I keep, ſupplied with plenteous ſtore,
" That now lies anchor'd on the rocky ſhore;
" And, when of all thy regal toys bereft,
" In the rude cave an exile thou art left,
" Myſelf will find thee on the gloomy lea,
" And waft thee ſafely o'er the dangerous ſea."

The boy was fill'd with wonder as he ſpake,
And from a dream of folly ſeem'd to wake:
All day the ſage his tainted thoughts refin'd;
His reaſon brighten'd, and reform'd his mind:
Through the dim cavern hand in hand they walk'd,
And much of truth, and much of heaven, they talk'd.
At night the ſtripling to the hall return'd;
With other fires his alter'd boſom burn'd.

* Heaven. † Death.

O! to

O! to his wiser soul how low, how mean,
Seem'd all he e'er had heard, had felt, had seen!
He view'd the stars, he view'd the crystal skies,
And bless'd the power all-good, all-great, all-wise;
How lowly now appear'd the purple robe,
The rubied sceptre, and the ivory globe!
How dim the rays that gild the brittle earth!
How vile the brood of Folly, and of Mirth!

When the third morning, clad in mantle gray,
Brought in her rosy car the seventieth day,
A band of slaves, who rush'd with furious sound,
In chains of steel the willing captive bound;
From his young head the diadem they tore,
And cast his pearly bracelets on the floor;
They rent his robe that bore the rose's hue,
And o'er his breast a hairy mantle threw;
Then dragg'd him to the damp and dreary cave,
Drench'd by the gloomy sea's resounding wave.
Meanwhile the voices of a numerous croud
Pierc'd the dun air, as thunder breaks a cloud:
The nymphs another hapless youth had found,
And then were leading o'er the guilty ground:
They hail'd him king (alas, how short his reign!)
And with fresh chaplets strow'd the fatal plain.

The happy exile, monarch now no more,
Was roving slowly o'er the lonely shore;
At last the sire's expected voice he knew,
And tow'rd the sound with hasty rapture flew,

The

The promis'd pinnace juſt afloat he found,
And the glad ſage his fetter'd hands unbound;
But when he ſaw the foaming billows rave,
And dragons rolling o'er the fiery wave,
He ſtopp'd: his guardian caught his lingering hand,
And gently led him o'er the rocky ſtrand;
Soon as he touch'd the bark, the ocean ſmil'd,
The dragons vaniſh'd, and the waves were mild.

For many an hour with vigorous arms they row'd,
While not a ſtar one friendly ſparkle ſhow'd;
At length a glimmering brightneſs they behold,
Like a thin cloud which morning dyes with gold:
To that they ſteer; and now, rejoic'd, they view
A ſhore begirt with cliffs of radiant hue.
They land: a train, in ſhining mantles clad,
Hail their approach, and bid the youth be glad;
They led him o'er the lea with eaſy pace,
And floated as they went with heavenly grace.
A golden fountain ſoon appear'd in ſight,
That o'er the border caſt a ſunny light.

The ſage, impatient, ſcoop'd the lucid wave
In a rich vaſe, which to the youth he gave;
He drank: and ſtraight a bright celeſtial beam
Before his eyes diſplay'd a dazzling gleam;
Myriads of airy ſhapes around him gaz'd;
Some prais'd his wiſdom, ſome his courage prais'd;
Then o'er his limbs a ſtarry robe they ſpread,
And plac'd a crown of diamonds on his head.

His

His aged guide was gone, and in his place
Stood a fair cherub flufh'd with rofy grace;
Who, fmiling, fpake: "Here ever wilt thou reft,
"Admir'd, belov'd, our brother and our gueft;
"So all fhall end, whom vice can charm no more
"With the gay follies of that perilous fhore.
"See yon immortal towers their gates unfold,
"With rubies flaming, and no earthly gold!
"There joys, before unknown, thy fteps invite;
"Blifs without care, and morn without a night.
"But now farewel! my duty calls me hence;
"Some injur'd mortal afks my juft defence.
"To yon pernicious ifland I repair,
"Swift as a ftar." He fpeaks, and melts in air.

The youth o'er walks of jafper takes his flight;
And bounds and blazes in eternal light.

A PERSIAN

A PERSIAN SONG

OF HAFIZ.

SWEET maid, if thou would'ſt charm my ſight,
And bid theſe arms thy neck infold;
That roſy cheek, that lily hand,
Would give thy poet more delight
Than all Bocara's vaunted gold,
Than all the gems of Samarcand.

Boy, let yon liquid ruby flow,
And bid thy penſive heart be glad,
Whate'er the frowning zealots ſay:
Tell them, their Eden cannot ſhow
A ſtream ſo clear as Rocnabad,
A bower ſo ſweet as Moſellay.

GAZEL.

EGHER an Turki Shirazi
  Bedeſt ared dili mara,
Be khali hinduiſh bakhſhem
  Samarcand u Bokharara.

Bedeh, ſaki, mei baki,
  Ke der jennet nekhahi yaſt
Kunari abi Rocnabad,
  Ve gulgeſhti Moſellara.

O! when theſe fair perfidious maids,
Whoſe eyes our ſecret haunts infeſt,
Their dear deſtructive charms diſplay;
Each glance my tender breaſt invades,
And robs my wounded ſoul of reſt,
As Tartars ſeize their deſtin'd prey.

In vain with love our boſoms glow:
Can all our tears, can all our ſighs,
New luſtre to thoſe charms impart?
Can cheeks, where living roſes blow,
Where nature ſpreads her richeſt dyes,
Require the borrow'd gloſs of art?

Speak not of fate:—ah! change the theme,
And talk of odours, talk of wine,
Talk of the flowers that round us bloom:
'Tis all a cloud, 'tis all a dream;
To love and joy thy thoughts confine,
Nor hope to pierce the ſacred gloom.

Fugan kein luliani ſhokh
I ſhiringari ſhehraſhob
Chunan berdendi ſabr az dil
Ke Turcan khani yagmara.

Ze eſhki na temami ma
Jamali yari muſtagniſt;
Be ab u reng u khal u khatt
Che hajet ruyi zibara.

Hadis az mutreb u mei gu,
Va razi dehri kemter ju,
Ke kes nekſhud u nekſhaied
Be hikmet ein moammara,

Beauty

Beauty has ſuch reſiſtleſs power,
That even the chaſte Egyptian dame
Sigh'd for the blooming Hebrew boy;
For her how fatal was the hour,
When to the banks of Nilus came
A youth ſo lovely and ſo coy!

But ah! ſweet maid, my counſel hear
(Youth ſhould attend when thoſe adviſe
Whom long experience renders ſage):
While muſick charms the raviſh'd ear;
While ſparkling cups delight our eyes,
Be gay; and ſcorn the frowns of age.

What cruel anſwer have I heard!
And yet, by heaven, I love thee ſtill:
Can aught be cruel from thy lip?
Yet ſay, how fell that bitter word
From lips which ſtreams of ſweetneſs fill,
Which nought but drops of honey ſip?

Men az an huſni ruzafzun
Ke Yuſuf daſhti daneſtem
Ke eſhk az perdei iſmet
Berun ared Zuleikhara.

Naſihet goſhi kun jana,
Ke az jan doſtiter darend
Juvanani ſaadetmend
I pendi peeri danara.

Bedem gufti, va khurſendam,
Afac alla, neku gufti,
Jawabi telkhi mizeibed
Lebi lali ſheker khara.

Go

Go boldly forth, my ſimple lay,
Whoſe accents flow with artleſs eaſe,
Like orient pearls at random ſtrung:
Thy notes are ſweet, the damſels ſay;
But O! far ſweeter, if they pleaſe
The nymph for whom theſe notes are ſung.

Gazel guſti vedurr ſufti,
Bea vakhoſh bukhan Hafiz,
Ke ber nazmi to afſhaned
Felek ikdi ſuriara.

AN

AN

ODE OF PETRARCH,

TO

THE FOUNTAIN OF VALCHIUSA.

YE clear and ſparkling ſtreams,
Warm'd by the ſunny beams,
Through whoſe tranſparent cryſtal Laura play'd;
Ye boughs, that deck the grove,
Where Spring her chaplets wove,
While Laura lay beneath the quivering ſhade; *

Canzone 27.

Chiare, freſche, e dolci acque,
Ove le belle membra
Poſe colei, che ſola a me par donna;
Gentil ramo, ove piacque
(Con ſoſpir mi rimembra)
A lei di fare al bel fianco colonna;

* M. de Voltaire has given us a beautiful paraphraſe of this firſt ſtanza, though it is certain that he had never read the ode in the original, or at moſt only the three firſt lines of it; for he aſſerts that the Italian ſong is irregular, and without rhymes; whereas the ſtanzas are perfectly regular, and the rhymes very exact. His deſign was to give Madame du Châtelet, for whom he wrote his hiſtory, an idea of Petrarch's ſtyle; but, if ſhe had only read his imitation, ſhe could have but an imperfect notion of the Italian, which the reader will eaſily perceive by comparing them.

Sweet

Sweet herbs, and blufhing flowers,
That crown yon vernal bowers
For ever fatal, yet for ever dear;
And ye, that heard my fighs
When firft fhe charm'd my eyes,
Soft-breathing gales, my dying accents hear.
If heaven has fix'd my doom,
That Love muft quite confume
My burfting heart, and clofe my eyes in death;
Ah! grant this flight requeft,
That here my urn may reft
When to its manfion flies my vital breath.
This pleafing hope will fmooth
My anxious mind, and footh
The pangs of that inevitable hour;

Erba, e fior', che la gonna
Leggiadra ricoverfe
Coll' angelico feno;
Aer facro fereno
Ov' Amor co' begli occhi il cor m' aperfe;
Date udienza infieme
Alle dolenti mie parole eftreme.
S' egli è pur mio deftino,
E'l cielo in ciò s' adopra,
Ch' amor quefti occhi lagrimando chiuda,
Qualche grazia il mefchino
Corpo fra voi ricopra;
È torni l' alma al proprio albergo ignuda:
La morte fia men cruda,
Se quefta fpeme porto
A quel dubbiofo paffo;

My

My ſpirit will not grieve
Her mortal veil to leave
In theſe calm ſhades, and this enchanting bower.
Haply the guilty maid
Through yon accuſtom'd glade
To my ſad tomb will take her lonely way;
Where firſt her beauty's light
O'erpower'd my dazzled ſight,
When Love on this fair border bade me ſtray:
There ſorrowing ſhall ſhe ſee,
Beneath an aged tree,
Her true but hapleſs lover's lowly bier;
Too late her tender ſighs
Shall melt the pitying ſkies,
And her ſoft veil ſhall hide the guſhing tear.

Che lo ſpirito laſſo
Non poria mai in piu ripoſato porto
N'en piu tranquilla foſſa
Fuggir la carne travagliata, e l' oſſa.
Tempo verrà ancor forſe
Ch' all' uſato ſoggiorno
Torni la fera bella e manſueta;
E là, ov' ella mi ſcorſe
Nel benedetto giorno
Volga la viſta deſioſa e lieta,
Cercandomi, ed, o pieta,
Già terra infra le pietre
Vedendo, Amor l'inſpiri
In guiſa che ſoſpiri
Si dolcemente che mercè m'impetre,
E faccia forza al cielo
Aſciugandoſi gli occhi col bel velo.

O! well

O! well-remember'd day,
When on yon bank ſhe lay,
Meek in her pride, and in her rigour mild;
The young and blooming flowers,
Falling in fragrant ſhowers,
Shone on her neck, and on her boſom ſmil'd:
Some on her mantle hung,
Some in her locks were ſtrung,
Like orient gems in rings of flaming gold;
Some, in a ſpicy cloud
Deſcending, call'd aloud,
"Here Love and Youth the reins of empire hold."
I view'd the heavenly maid;
And, rapt in wonder, ſaid
"The groves of Eden gave this angel birth;"

Da' bei rami ſcendea
Dolce nella memoria
Una pioggia di fior ſovra 'l ſuo grembo;
Ed ella ſi ſedea,
Humile in tanta gloria
Coverta già dell' amoroſo nembo:
Qual fior cadea ſul lembo,
Qual ſulle treccie bionde,
Ch' oro forbito e perle
Eran quel dì a vederle,
Qual ſi poſava in terra, e qual ſull' onde;
Qual con un vago errore
Girando parea dir, "Qui regna Amore."
Quante volte diſs'io
Allor pien di ſpavento
"Coſtei per fermo nacque in paradiſo,"

Her

Her look, her voice, her ſmile,
That might all heaven beguile,
Wafted my ſoul above the realms of earth:
The ſtar-beſpangled ſkies
Were open'd to my eyes;
Sighing I ſaid, "Whence roſe this glittering ſcene?"
Since that auſpicious hour,
This bank, and odorous bower,
My morning couch, and evening haunt, have been.
Well mayſt thou bluſh, my ſong,
To leave the rural throng,
And fly thus artleſs to my Laura's ear;
But, were thy poet's fire
Ardent as his deſire,
Thou wert a ſong that heaven might ſtoop to hear.

Coſi carco d' oblio
Il divin portamento
E'l volto, e le parole, e'l dolce riſo
M'aveano, e ſi diviſo
Dall' imagine vera,
Ch' i' dicea ſoſpirando,
"Qui come venn' io, o quando?"
Credendo eſſer' in ciel, non là dov' era.
Da indi in quà mi piace
Queſta erba ſi ch' altrove non o pace.
Se tu aveſſi ornamenti quant' ai voglia,
Potreſti arditamente
Uſcir del boſco, e gir' infra la gente.

M. DE

M. DE VOLTAIRE'S PARAPHRASE

OF

THE FIRST STANZA,

Chiare, fresche, e dolci acque, &c.

CLAIRE fontaine, onde aimable, onde pure,
Ou la beauté qui consume mon cœur,
Seule beauté, qui soit dans la nature,
Des feux du jour evite la chaleur ;
    Arbre heureux, dont le feuillage
    Agité par les Zephirs
    La couvris de son ombrage,
    Qui rappelles mes soupirs,
    En rappellant son image,
Ornemens de ces bords, et filles du matin,
Vous dont je suis jaloux, vous moins brillantes qu'Elle,
Fleurs, qu'elle embellissait, quand vous touchiez son sein,
Rossignols, dont la voix est moins douce et moins belle,
Air devenu plus pur, adorable séjour,
    Immortalisé par ses charmes,
Lieux dangereux et chers, ou de ses tendres armes
    L'amour a blessé tous mes sens,
    Ecoutez mes derniers accens,
    Recevez mes dernieres larmes.

LAURA,

LAURA,

AN ELEGY FROM PETRARCH.

*IN this fair ſeaſon, when the whiſpering gales
Drop ſhowers of fragrance o'er the bloomy vales,
From bower to bower the vernal warblers play;
The ſkies are cloudleſs, and the meads are gay;
The nightingale in many a melting ſtrain
Sings to the groves, "Here Mirth and Beauty reign."
But me, for ever bath'd in guſhing tears,
No mirth enlivens, and no beauty cheers:
The birds that warble, and the flowers that bloom,
Relieve no more this ſolitary gloom.
I ſee, where late the verdant meadow ſmil'd,
A joyleſs deſert, and a dreary wild.

For

IMITATIONS.

* Ver. 1. Petrarch. Sonnet. 270.

Zeſiro torna, e'l bel tempo rimena,
E' i fiori, e l' erbe, ſua dolce famiglia;
E garrir Progne, e pianger Filomela;
E primavera candida, e vermiglia:
Ridono i prati, e'l ciel ſi raſſerena;
Giove s'allegra di mirar ſua figlia;
L'aria, e l'acque, e la terra e d'amor piena;
Ogni animal d'amar ſi riconſiglia:
Ma per me, laſſo, tornano i piu gravi
Soſpiri, che del cor profondo tragge
Quella ch' al ciel ſe ne portò le chiavi:

For thoſe dear eyes, that pierc'd my heart before,
Are clos'd in death, and charm the world no more:
Loſt are thoſe treſſes, that outſhone the morn,
And pale thoſe cheeks, that might the ſkies adorn.
* Ah, death! thy hand has cropp'd the faireſt flower,
That ſhed its ſmiling rays in beauty's bower;
Thy dart has lay'd on yonder ſable bier
All my ſoul lov'd, and all the world held dear;
Celeſtial ſweetneſs, love-inſpiring youth,
Soft-ey'd benevolence, and white-rob'd truth.

† Hard fate of man, on whom the heavens beſtow
A drop of pleaſure for a ſea of woe!
Ah, life of care, in fears or hopes conſum'd,
Vain hopes, that wither ere they well have bloom'd!
How oft, emerging from the ſhades of night,
Laughs the gay morn, and ſpreads a purple light;

IMITATIONS.

E cantar' augelletti, e fiorir piagge,
E'n belle donne oneſte atti ſoavi,
Sono un deſerto, e fere aſpre e ſelvagge.

* Ver. 17. Sonnet. 243.

Diſcolorato ai, morte, il piu bel volto
Che mai ſi vede, e'i plu begli occhi ſpenti;
Spirto piu acceſo di virtuti ardenti
Del piu leggiadro, e piu bel nodo ai ſciolto!

† Ver. 28. Sonnet. 230.

O noſtra vita, ch'è ſi bella in viſta!
Com' perde agevolmente in un' mattina
Quel che'n molt' anni a gran pena s' acquiſta.

But

But ſoon the gathering clouds o'erſhade the ſkies,
Red lightnings play, and thundering ſtorms ariſe!
How oft a day, that fair and mild appears,
Grows dark with fate, and mars the toil of years!

* Not far remov'd, yet hid from diſtant eyes,
Low in her ſecret grot a Naiad lies.
Steep arching rocks, with verdant moſs o'ergrown,
Form her rude diadem, and native throne:
There in a gloomy cave her waters ſleep,
Clear as a brook, but as an ocean deep.
Yet, when the waking flowers of April blow,
And warmer ſunbeams melt the gather'd ſnow;
Rich with the tribute of the vernal rains,
The nymph, exulting, burſts her ſilver chains;
Her living waves in ſparkling columns riſe,
And ſhine like rainbows to the ſunny ſkies;
From cliff to cliff the falling waters roar;
Then die in murmurs, and are heard no more.
Hence, ſoftly flowing in a dimpled ſtream,
The cryſtal Sorga ſpreads a lively gleam;

IMITATIONS.

* Ver. 33. See a deſcription of this celebrated fountain in a poem of Madame Deſhoulieres.

Entre de hauts rochers, dont l'aſpect eſt terrible,
Des pres toujours fleuris, des arbres toujours verds,
Une ſource orgueilleuſe et pure,
Dont l'eau ſur cent rochers divers
D'une mouſſe verte couverts,
S'épanche, bouïllonne, et murmure;
Des agneaux bondiſſans ſur la tendre verdure,
Et de leurs conducteurs les ruſtiques concerts, &c.

From

From which a thoufand rills in mazes glide,
And deck the banks with fummer's gayeft pride;
Brighten the verdure of the fmiling plains,
And crown the labour of the joyful fwains.

First on thefe banks (ah, dream of fhort delight!)
The charms of Laura ftruck my dazzled fight;
Charms, that the blifs of Eden might reftore,
That heaven might envy, and mankind adore.
I faw—and O! what heart could long rebel?
I faw, I lov'd, and bade the world farewel.
Where'er fhe mov'd, the meads were frefh and gay,
And every bower exhal'd the fweets of May;
Smooth flow'd the ftreams, and foftly blew the gale;
The rifing flowers impurpled every dale;
Calm was the ocean, and the fky ferene;
An univerfal fmile o'erfpread the fhining fcene:
But when in death's cold arms entranc'd fhe lay,
(*Ah, ever dear, yet ever fatal day!)
O'er all the air a direful gloom was fpread;
Pale were the meads, and all their bloffoms dead;
The clouds of April fhed a baleful dew,
All nature wore a veil of deadly hue.

Go, plaintive breeze, to Laura's flowery bier,
Heave the warm figh, and fhed the tender tear.
There to the awful fhade due homage pay,
And foftly thus addrefs the facred clay:

* Laura was firft feen by Petrarch on the fixth of April in the year 1327; and fhe died on the fame day in 1348.

"Say,

" * Say, envied earth, that doſt thoſe charms infold,
" Where are thoſe cheeks, and where thoſe locks of gold?
" Where are thoſe eyes, which oft the Muſe has ſung?
" Where thoſe ſweet lips, and that enchanting tongue?
" Ye radiant treſſes, and thou, nectar'd ſmile;
" Ye looks that might the melting ſkies beguile;
" You robb'd my ſoul of reſt, my eyes of ſleep;
" You taught me how to love, and how to weep."

† No ſhrub o'erhangs the dew-beſpangled vale,
No bloſſom trembles to the dying gale,
No floweret bluſhes in the morning rays,
No ſtream along the winding valley plays,

IMITATIONS.

* Ver. 75. Sonnet. 260.

Quanta invidia ti porto, avara terra,
Ch' abbracci quella, cui veder m' è tolto.

And Sonnet. 259.

Ov' è la fronte, che con picciol cenno
Volgea 'l mio core in queſta parte, e'n quella?
Ov' è 'l bel ciglio, e l' una e l' altra ſtella,
Ch' al corſo del mio viver lume denno? &c.

† Ver. 83. Sonnet. 248.

Non è ſterpe, ne ſaſſo in queſti monti,
Non ramo o fronda verde in queſte piagge;
Non fior' in queſte valli, o foglia d'erba;
Stilla d' acque non ven di queſte fonti,
Ne fiere an queſti boſchi ſi ſelvagge,
Che non ſappian quant' è mia pena acerba.

But

But knows what anguiſh thrills my tortur'd breaſt,
What pains conſume me, and what cares infeſt.
* At bluſh of dawn, and in the gloom of night,
Her pale-eyed phantom ſwims before my ſight,
Sits on the border of each purling rill,
Crowns every bower, and glides o'er every hill.
† Flows the loud rivulet down the mountain's brow?
Or pants the Zephyr on the waving bough?

IMITATIONS.

* Ver. 89. Sonnet. 241.

Or' in forma di ninfa, o d' altra diva,
Che del piu chiaro fondo di Sorga eſca,
E pongaſi a ſeder' in ſu la riva:
Or' l' o veduta ſu per l'erba freſca
Calcar' i fior, com' una donna viva,
Moſtrando in viſta, che di me le'ncreſca.

† Ver. 93. Sonnet. 239.

Se lamentar' augelli, o verdi fronde
Mover ſoavemente all' aura eſtiva,
O roco mormorar di lucid' onde
S'ode d'una ſiorita e freſca riva,
La v' io ſeggia d' amor penſoſo, e ſchriva;
Lei che'l ciel ne moſtrò, terra naſconde,
Veggio, ed odo, ed intendo, ch' ancor viva
Di ſi lontano a' ſoſpir miei riſponde.
Deh! perche innanzi tempo ti conſume?
Mi dice con pietate, a che pur verſi
Dagli occhi triſti un doloroſo fiume?
Di me non pianger tu; che miei di ferſi,
Morendo, eterni, e nell' eterno lume,
Quando moſtrai di chiuder gl' occhi, aperſi.

Or

Or ſips the labouring bee her balmy dews,
And with ſoft ſtrains her fragrant toil purſues?
Or warbles from yon ſilver-bloſſom'd thorn
The wakeful bird, that hails the riſing morn?
My Laura's voice in many a ſoothing note
Floats through the yielding air, or ſeems to float:

"Why fill thy ſighs, ſhe ſays, this lonely bower?
"Why down thy boſom flows this endleſs ſhower?
"Complain no more; but hope ere long to meet
"Thy much-lov'd Laura in a happier ſeat.
"Here fairer ſcenes detain my parted ſhade;
"Suns that ne'er ſet, and flowers that never fade:
"Through cryſtal ſkies I wing my joyous flight,
"And revel in eternal blaze of light;
"See all thy wanderings in that vale of tears,
"And ſmile at all thy hopes, at all thy fears:
"Death wak'd my ſoul, that ſlept in life before,
"And op'd theſe brighten'd eyes, to ſleep no more."

She ends: the fates, that will no more reveal,
Fix on her cloſing lips their ſacred ſeal.
"Return, ſweet ſhade! I wake, and fondly ſay,
"O, cheer my gloom with one far-beaming ray!
"Return: thy charms my ſorrow will diſpel,
"And ſnatch my ſpirit from her mortal cell;
"Then, mix'd with thine, exulting ſhe ſhall fly,
"And bound enraptur'd through her native ſky."
She comes no more: my pangs more fierce return;
Tears guſh in ſtreams, and ſighs my boſom burn.

* Ye banks, that oft my weary limbs have born ;
Ye murmuring brooks, that learnt of me to mourn ;
Ye birds, that tune with me your plaintive lay ;
Ye groves, where Love once taught my ſteps to ſtray ;
You, ever ſweet and ever fair, renew
Your ſtrains melodious, and your blooming hue ;
But not in my ſad heart can bliſs remain,
My heart, the haunt of never-ceaſing pain !

Henceforth, to ſing in ſmoothly-warbled lays
The ſmiles of youth, and beauty's heavenly rays ;
† To ſee the morn her early charms unfold,
Her cheeks of roſes, and her curls of gold ;

IMITATIONS.

* Ver. 123. Sonnet. 261.

Valle, che de' lamenti miei ſe' piena ;
Fiume, che ſpeſſo del mio pianger creſci;
Fere ſelveſtre, vaghi augelli, e peſci,
Che l' una, e l' altra verde riva affrena;
Aria de' miei ſoſpir' calda e ſerena;
Dolce ſentier, che ſi amaro rieſci;
Colle, che mi piaceſti, or mi rincreſci ;
Ov' ancor per uſanza Amor mi mena ;
Ben riconoſco in voi l'uſate forme,
Non, laſſo, in me, che da ſi lieta viſta,
Son fatto albergo d'infinita doglia.

† Ver. 133. Sonnet. 251.

Quand' io veggio dal ciel ſcender l'Aurora,
Con la fronte di roſe, e co' crin d' oro.

Led

* Led by the ſacred Muſe at noon to rove
O'er tufted mountain, vale, or ſhady grove;
To watch the ſtars, that gild the lucid pole,
And view yon orbs in mazy order roll;
To hear the tender nightingale complain,
And warble to the woods her amorous ſtrain;
No more ſhall theſe my penſive ſoul delight,
But each gay viſion melts in endleſs night.

† Nymphs, who in glimmering glades by moonlight dance,
And ye, who through the liquid cryſtal glance,
Who oft have heard my ſadly-pleaſing moan;
Behold me now a lifeleſs marble grown.
Ah! lead me to the tomb where Laura lies;
Clouds, fold me round; and, gather'd darkneſs, riſe;
Bear me, ye gales, in death's ſoft ſlumber lay'd;
And, ye bright realms, receive my fleeting ſhade!

IMITATIONS.

* Ver. 135. Sonnet. 272.

Ne per ſereno ciel ir vaghe ſtelle;
Ne per tranquillo mar legni ſpalmati;
Ne per campagne cavalieri armati;
Ne per bei boſchi allegre fere e ſnelle;
Ne d' aſpettato ben freſche novelle,
Ne dir d'Amore in ſtili alti ed ornati;
Ne tra chiare fontane, e verdi prati
Dolce cantare oneſte donne e belle;
Ne altro ſarà mai ch' al cor m' aggiunga,
Si ſeco il ſeppe quella ſepellire,
Che ſola a gli occhi miei fu lume e ſpeglio.

† Ver. 143. Sonnet. 263.

O vaghi abitator de' verdi boſchi,
O Ninfe, e voi, che'l freſco erboſo fondo
Del liquido criſtallo alberga e paſce.

A TURKISH ODE

OF MESIHI.

HEAR how the nightingales, on every ſpray,
Hail in wild notes the ſweet return of May!
The gale, that o'er yon waving almond blows,
The verdant bank with ſilver bloſſoms ſtrows:
The ſmiling ſeaſon decks each flowery glade.
Be gay: too ſoon the flowers of Spring will fade.

What gales of fragrance ſcent the vernal air!
Hills, dales, and woods, their lovelieſt mantles wear.

DINLEH bulbul kiſſa ſen kim gildi eiami behar,
Kurdi her bir baghda hengamei hengami behar,
Oldi ſim afſhan ana ezhari badami behar
Yſh u nuſh it kim gicher kalmaz bu eiami behar.

Yineh enwei ſhukufileh bezendi bagh u ragh,
Yſh ichun kurdi chichekler ſahni gulſhenda otagh,

Thou heareſt the tale of the nightingale, "that the vernal ſeaſon approaches." The Spring has ſpread a bower of joy in every grove, where the almond-tree ſheds its ſilver bloſſoms. Be cheerful; be full of mirth; for the Spring paſſes ſoon away: it will not laſt.

The groves and hills are again adorned with all ſorts of flowers: a pavilion of roſes, as the ſeat of pleaſure, is raiſed in the garden. Who knows which of us will be alive when the fair ſeaſon ends? Be cheerful, &c.

Who

Who knows what cares await that fatal day,
When ruder gufts fhall banifh gentle May?
Ev'n death, perhaps, our valleys will invade.
Be gay: too foon the flowers of Spring will fade.

The tulip now its varied hue difplays,
And fheds, like Ahmed's eye, celeftial rays.
Ah, nation ever faithful, ever true,
The joys of youth, while May invites, purfue!
Will not thefe notes your timorous minds perfuade?
Be gay: too foon the flowers of Spring will fade.

The fparkling dewdrops o'er the lilies play,
Like orient pearls, or like the beams of day.
If love and mirth your wanton thoughts engage,
Attend, ye nymphs! (a poet's words are fage).

Kim bilur ol behareh dek kih u kim ola fagh?
Yfh u nufh it kim gicher kalmaz bu eiami behar.

Tarafi gulfhen nuri Ahmed birleh malamaldur,
Sebzelerinda fehabeh lalehi kheirulaldur,
Hei Mohammed ummeti wakti huzuri haldur.
Yfh u nufh it kim gicher kalmaz bu eiami behar.

Kildi fhebnem yineh jeuherdari tighi fufeni,
Zhalehler aldi hewai doiyile leh gulfhene,

The edge of the bower is filled with the light of Ahmed: among the plants the fortunate tulips reprefent his companions. Come, O people of Mohammed, this is the feafon of merriment. Be cheerful, &c.

Again the dew glitters on the leaves of the lily, like the water of a bright fcymitar. The dewdrops fall through the air on the garden of rofes. Liften to me, liften to me, if thou defireft to be delighted. Be cheerful, &c.

While

While thus you ſit beneath the trembling ſhade,
Be gay: too ſoon the flowers of Spring will fade.

The freſh blown roſe like Zeineb's cheek appears,
When pearls, like dewdrops, glitter in her ears.
The charms of youth at once are ſeen and paſt;
And nature ſays, "They are too ſweet to laſt."
So blooms the roſe; and ſo the bluſhing maid!
Be gay: too ſoon the flowers of Spring will fade.

See yon anemonies their leaves unfold,
With rubies flaming, and with living gold!
While cryſtal ſhowers from weeping clouds deſcend,
Enjoy the preſence of thy tuneful friend.

Gher temaſha iſeh makſudun beni eſleh beni.
Yſh u nuſh it kim gicher kalmaz bu eiami behar.

Rukhleri rengin giuzellar dur gulileh lalehlar,
Kim kulaklarineh durlu jeuher aſmiſh zhalehlar,
Aldanup ſanma ki bunlar boileh baki kalehlar.
Yſh u nuſh it kim gicher kalmaz bu eiami behar.

Guliſtanda giorunin laleh u gul naoman leh
Baghda kan aldi ſhemſun niſhteri baran leh.

The roſes and tulips are like the bright cheeks of beautiful maids, in whoſe ears the pearls hang like drops of dew. Deceive not thyſelf, by thinking that theſe charms will have a long duration. Be cheerful, &c.

Tulips, roſes, and anemonies, appear in the gardens: the ſhowers and the ſunbeams, like ſharp lancets, tinge the banks with the colour of blood. Spend this day agreeably with thy friends, like a prudent man. Be cheerful, &c.

Now,

Now, while the wines are brought, the ſofa's lay'd,
Be gay: too ſoon the flowers of Spring will fade.

The plants no more are dried, the meadows dead,
No more the roſe-bud hangs her penſive head:
The ſhrubs revive in valleys, meads, and bowers,
And every ſtalk is diadem'd with flowers;
In ſilken robes each hillock ſtands array'd.
Be gay: too ſoon the flowers of Spring will fade.

Clear drops each morn impearl the roſe's bloom,
And from its leaf the Zephyr drinks perfume;
The dewy buds expand their lucid ſtore:
Be this our wealth: ye damſels, aſk no more.

Arefun bu demi khoſh gior bu giun yaran leh,
Yſh u nuſh it kim gicher kalmaz bu eiami behar.

Gitti ol demler ki olup ſebzeler ſahib feraſh,
Guncheh fikri gulſhenun olmiſhdi bagherinda baſh,
Gildi bir dem kim karardi laleh lerle dagh u taſh,
Yſh u nuſh it kim gicher kalmaz bu eiami behar.

Ebr gulzari uſtuneh her ſubh goher bariken,
Nefhei badi ſeher por nafei tatariken:
Ghafil olmeh alemun mahbublighi wariken.
Yſh u nuſh it kim gicher kalmaz bu eiami behar.

The time is paſſed in which the plants were ſick, and the roſe-bud hung its thoughtful head on its boſom. The ſeaſon comes in which mountains and rocks are coloured with tulips. Be cheerful, &c.

Each morning the clouds ſhed gems over the roſe-garden: the breath of the gale is full of Tartarian muſk. Be not neglectful of thy duty through too great a love of the world. Be cheerful, &c.

Though

Though wiſe men envy, and though fools upbraid,
Be gay: too ſoon the flowers of Spring will fade.

The dewdrops, ſprinkled by the muſky gale,
Are chang'd to eſſence ere they reach the dale.
The mild blue ſky a rich pavilion ſpreads,
Without our labour, o'er our favour'd heads.
Let others toil in war, in arts, or trade.
Be gay: too ſoon the flowers of Spring will fade.

Late gloomy winter chill'd the ſullen air,
Till Soliman aroſe, and all was fair.
Soft in his reign the notes of love reſound,
And pleaſure's roſy cup goes freely round.
Here on the bank, which mantling vines o'erſhade,
Be gay: too ſoon the flowers of ſpring will fade.

Buyi gulzar itti ſholdenlu hewai muſhknab
Kim yereh inengeh olur ketrei ſhebnem gulab.
Cherkh otak kurdi guliſtan uſtuneh giunlik ſehab.
Yſh u nuſh it kim gicher kalmaz bu eiami behar.

Guliſtanun her ne ſen aldi ſiah badi khuzan,
Adl idup bir bir ileh wardi yineh ſhahi jehan.
Deuletinda badehler kam oldi ſakii kamran.
Yſh u nuſh it kim gicher kalmaz bu eiami behar.

The ſweetneſs of the bower has made the air ſo fragrant, that the dew, before it falls, is changed into roſe-water. The ſky ſpreads a pavilion of bright clouds over the garden. Be cheerful, &c.

Whoever thou art, know that the black guſts of autumn had ſeized the garden; but the king of the world again appeared diſpenſing juſtice to all: in his reign the happy cupbearer deſired and obtained the flowing wine. Be cheerful, &c.

May

May this rude lay from age to age remain,
A true memorial of this lovely train.
Come, charming maid, and hear thy poet ſing,
Thyſelf the roſe, and He the bird of ſpring:
Love bids him ſing, and Love will be obey'd.
Be gay: too ſoon the flowers of Spring will fade.

Omerem buleh, Meſihi, bu merbai iſhtihar,
Ehlene ola bu charabru u giuzeller yadgar,
Bulbuli khoſh gui ſen gulyuzluler leh yuriwar.
Yſh u nuſh it kim gicher kalmaz bu eiami behar.

By theſe ſtrains I hoped to celebrate this delightful valley: may they be a memorial to its inhabitants, and remind them of this aſſembly, and theſe fair maids! Thou art a nightingale with a ſweet voice, O Meſihi, when thou walkeſt with the damſels, whoſe cheeks are like roſes. Be cheerful; be full of mirth; for the Spring paſſes ſoon away: it will not laſt.

THE

THE SAME,

IN IMITATION OF THE

PERVIGILIUM VENERIS.

ALITES audis loquaces per nemora, per arbutos,
Veris adventum canentes tinnulo modulamine ;
Dulcè luget per virentes mollis aura amygdalas :
Nunc amandum eſt, nunc bibendum ; floreum ver fugit, abit !

Ecce jam flores refulgent gemmeis honoribus,
Quique prata, quique ſaltûs, quique ſylvulas amant ;
Quis ſcit an nox una nobis dormienda æterna ſit ?
Nunc amandum eſt, nunc bibendum ; floreum ver fugit, abit !

Quantus eſt nitor roſarum ! quantus hyacinthi decor !
Non ocellus, cùm renidet, eſt puellæ lætior :
Hic levi dies amori eſt, hic voluptati ſacer :
Nunc amandum eſt, nunc bibendum ; floreum ver fugit, abit !

Ecce baccatæ recentis guttulæ roris micant,
Per genam roſæ cadentes, perque mite lilium :
Auribus gratum, puellæ, ſit meum veſtris melos ;
Nunc amandum eſt, nunc bibendum ; floreum ver fugit, abit !

Ut

Ut rosa in prato refulget, sic teres virgo nitet,
Hæc onusta margaritis, illa roris gemmulis:
Ne perenne vel puellæ vel rosæ speres decus.
Nunc amandum est, nunc bibendum; floreum ver fugit, abit!

Aspice, ut roseta amictu discolori splendeant,
Prata dum fœcundat æther læta gratis imbribus,
Fervidos inter sodales da voluptati diem.
Nunc amandum est, nunc bibendum; floreum ver fugit, abit!

Jam situ deformis ægro non jacet rosæ calyx;
Ver adest, ver pingit hortos purpurantes floribus,
Perque saxa, perque colles, perque lucos emicat:
Nunc amandum est, nunc bibendum; floreum ver fugit, abit!

Ecce, per rosæ papillas suavè rident guttulae,
Quas odorifer resolvit lenis aurae spiritus;
Hae pyropis, hae smaragdis cariores Indicis.
Nunc amandum est, nunc bibendum; floreum ver fugit, abit!

Is tenellis per vireta spirat è rosis odor,
Ut novum stillans amomum ros in herbas decidat,
Suavè olentibus coronans lacrymis conopeum.
Nunc amandum est, nunc bibendum; floreum ver fugit, abit!

Acris olim cum malignis saeviit ventis hyems;
Sed roseto, solis instar, regis affulsit nitor;
Floruit nemus repentè, dulce manavit merum:
Nunc amandum est, nunc bibendum; floreum ver fugit, abit!

His

His iners modis, Mesihi, melleam aptabas chelyn;
Veris ales est poeta; verna cantat gaudia,
Et rosas carpit tepentes è puellarum genis.
Nunc amandum est, nunc bibendum; floreum ver fugit, abit!

ARCADIA,

ARCADIA,

A PASTORAL POEM.

ADVERTISEMENT.

THE following paſtoral was written in the year 1762; but the author, finding ſome tolerable paſſages in it, was induced to correct it afterwards, and to give it a place in this collection. He took the hint of it from an allegory of Mr. Addiſon, in the thirty-ſecond paper of the Guardian; which is ſet down in the margin, that the reader may ſee where he has copied the original, and where he has deviated from it. In this piece, as it now ſtands, Menalcas, king of the ſhepherds, means Theocritus, the moſt ancient, and perhaps the beſt, writer of paſtorals: and by his two daughters, Daphne and Hyla, muſt be underſtood the two ſorts of paſtoral poetry; the one elegant and poliſhed, the other ſimple and unadorned; in both of which he excelled. Virgil, whom Pope chiefly followed, ſeems to have borne away the palm in the higher ſort; and Spenſer, whom Gay imitated with ſucceſs, had equal merit in the more ruſtick ſtyle: theſe two poets, therefore, may juſtly be ſuppoſed in this allegory to have inherited his kingdom of Arcadia.

ARCADIA.

ARCADIA.

IN thoſe fair plains, where glittering Ladon roll'd
His wanton labyrinth o'er ſands of gold,
Menalcas reign'd: from Pan his lineage came;
Rich were his vales, and deathleſs was his fame.
When youth impell'd him, and when love inſpir'd,
The liſtening nymphs his Dorick lays admir'd:
To hear his notes the ſwains with rapture flew;
A ſofter pipe no ſhepherd ever blew.
But now, oppreſs'd beneath the load of age,
Belov'd, reſpected, venerable, ſage,
* Of heroes, demigods, and gods he ſung;
His reed neglected on a poplar hung:
Yet all the rules, that young Arcadians keep,
He kept, and watch'd each morn his bleating ſheep.

IMITATIONS.

Guardian, N° 32.

In ancient times there dwelt in a pleaſant vale of Arcadia a man of very ample poſſeſſions, named Menalcas, who, deriving his pedigree from the god Pan, kept very ſtrictly up to the rules of the paſtoral life, as it was in the golden age.

NOTE.

* This couplet alludes to the higher Idyllia of Theocritus; as the Ἐγκώμιον εἰς Πτολεμαῖον, the Διόσκυροι, and others, which are of the heroick kind.

Two

Two lovely daughters were his deareſt care;
Both mild as May, and both as April fair:
Love, where they mov'd, each youthful breaſt inflam'd;
And Daphne this, and Hyla that was nam'd.
* The firſt was baſhful as a blooming bride,
And all her mien diſplay'd a decent pride;
Her treſſes, braided in a curious knot,
Were cloſe confin'd, and not a hair forgot;
Where many a flower, in myſtick order plac'd,
With myrtle twin'd, her ſilken fillet grac'd;
Nor with leſs neatneſs was her robe diſpos'd,
And every fold a pleaſing art diſclos'd;
Her ſandals of the brighteſt ſilk were made,
And, as ſhe walk'd, gave luſtre to the ſhade;
A graceful eaſe in every ſtep was ſeen,
She mov'd a ſhepherdeſs, yet look'd a queen.
Her ſiſter ſcorn'd to dwell in arching bowers,
Or deck her locks with wreaths of fading flowers;
O'er her bare ſhoulder flow'd her auburn hair,
And, fann'd by Zephyrs, floated on the air;
Green were her buſkins, green the veſt ſhe wore,
And in her hand a knotty crook ſhe bore.
† The voice of Daphne might all pains diſarm;
Yet, heard too long, its ſweetneſs ceas'd to charm: But

IMITATIONS.

* He had a daughter, his only child, called Amaryllis. She was a virgin of a moſt enchanting beauty, of a moſt eaſy and unaffected air; but, having been bred up wholly in the country, was baſhful to the laſt degree.

† She had a voice that was exceedingly ſweet; yet had a ruſticity in her tone, which, however, to moſt who heard her ſeemed an additional charm. Though in her converſation in general

But none were tir'd when artleſs Hyla ſung,
Though ſomething ruſtick warbled from her tongue.

Thus both in beauty grew, and both in fame,
Their manners different, yet their charms the ſame.
The young Arcadians, tuneful from their birth,
To love devoted, and to rural mirth,
Beheld, and fondly lov'd the royal maids,
And ſung their praiſe in valleys, lawns, and glades;
From morn to lateſt eve they wept, and ſigh'd;
And ſome for Daphne, ſome for Hyla, died:
Each day new preſents to the nymphs they bore,
And in gay order ſpread the ſhining ſtore;
Some beechen bowls and poliſh'd ſheephooks brought,
With ebon knots, and ſtuds of ſilver, wrought;
Some led in flowery bands the playful fawn,
Or bounding roe, that ſpurn'd the graſſy lawn;
The reſt on nature's blooming gifts relied,
And rais'd their ſlender hopes on beauty's pride:
But the coy maids, regardleſs of their pain,
Their vows derided, and their plaintive ſtrain.
Hence ſome, whom love with lighter flames had fir'd,
Broke their ſoft flutes, and in deſpair retir'd;
To milder damſels told their amorous tale,
And found a kinder Daphne in the vale.

IMITATIONS.

general ſhe was very engaging, yet to her lovers, who were numerous, ſhe was ſo coy, that many left her in diſguſt after a tedious courtſhip, and matched themſelves where they were better received.

It

It happen'd on a cheerful morn of May,
When every meadow ſmil'd in freſh array,
The ſhepherds, riſing at an early hour,
In crouds aſſembled round the regal bower,
There hail'd in ſprightly notes the peerleſs maids;
And tender accents trembled through the glades.
Menalcas, whom the larks with many a lay
Had call'd from ſlumber at the dawn of day,
By chance was roving through a bordering dale,
And heard the ſwains their youthful woes bewail.
He knew the cauſe; for long his prudent mind
To ſooth their cares indulgently deſign'd:
Slow he approach'd; then wav'd his awful hand,
And, leaning on his crook, addreſs'd the liſtening band:

" Arcadian ſhepherds, to my words attend!
In ſilence hear your monarch, and your friend.
Your fruitleſs pains, which none can diſapprove,
Excite my pity, not my anger move.
Two gentle maids, the ſolace of my age,
Fill all my ſoul, and all my care engage;
When death ſhall join me to the pale-ey'd throng,
To them my ſylvan empire will belong;
But, leſt with them the royal line ſhould fail,
And civil diſcord fill this happy vale,
Two choſen youths the beauteous nymphs muſt wed,
To ſhare their power, and grace the genial bed:
* So may the ſwains our ancient laws obey,
And all Arcadia own their potent ſway.

IMITATIONS.

* For Menalcas had not only reſolved to take a ſon-in-law, who ſhould inviolably maintain the cuſtoms of his family; but had received one evening, as he walked in the fields, a pipe of an

But what ſage counſel can their choice direct?
Whom can the nymphs prefer, or whom reject?
So like your paſſion, and ſo like your ſtrain,
That all deſerve, yet cannot all obtain.
Hear then my tale: as late, by fancy led
To ſteep Cyllene's ever-vocal head,
With winding ſteps I wander'd through the wood,
And pour'd wild notes, a Faun before me ſtood;
A flute he held, which as he ſoftly blew,
The feather'd warblers to the ſound he drew;
Then to my hand the precious gift conſign'd,
And ſaid, "Menalcas, eaſe thy wondering mind:
"This pipe, on which the god of ſhepherds play'd,
"When love inflam'd him, and the † viewleſs maid,
"Receive: ev'n Pan thy tuneful ſkill confeſs'd,
"And after Pan thy lips will grace it beſt.
"Thy daughter's beauty every breaſt inſpires,
"And all thy kingdom glows with equal fires:
"But let thoſe favour'd youths alone ſucceed,
"Who blow with matchleſs art this heavenly reed."
* This ſaid, he diſappear'd. Then hear my will:
Be bold, ye lovers, and exert your ſkill;

Be

IMITATIONS.

an antique form from a Faun, or, as ſome ſay, from Oberon the Fairy, with a particular charge, not to beſtow his daughter on any one who could not play the ſame tune upon it as at that time he entertained him with.

* When the time that he deſigned to give her in marriage was near at hand, he publiſhed a decree, whereby he invited the neighbouring youths to make trial of this muſical inſtrument, with promiſe, that the victor ſhould poſſeſs his daughter on condition that the vanquiſhed

NOTE.

† Echo.

ſhould

Be they my ſons, who ſing the ſofteſt ſtrains,
And tune to ſweeteſt notes their pleaſing pains:
But mark! whoe'er ſhall by too harſh a lay
Offend our ears, and from our manners ſtray,
He, for our favour, and our throne unfit,
To ſome diſgraceful penance muſt ſubmit."

He ends; the ſhepherds at his words rejoice,
And praiſe their ſovereign with a grateful voice.
Each ſwain believes the lovely prize his own,
And ſits triumphant on th' ideal throne;
Kind Vanity their want of art ſupplies,
And gives indulgent what the Muſe denies;
Gay veſts and flowery garlands each prepares,
And each the dreſs, that ſuits his fancy, wears.

Now deeper bluſhes ting'd the glowing ſky,
And evening rais'd her ſilver lamp on high;
When, in a bower by Ladon's lucid ſtream,
Where not a ſtar could dart his piercing beam,
So thick the curling eglantines diſplay'd,
With woodbines join'd, an aromatick ſhade,
The father of the blooming nymphs reclin'd,
His hoary locks with ſacred laurel twin'd:

The

IMITATIONS.

ſhould ſubmit to what puniſhment he thought fit to inflict. Thoſe, who were not yet diſcouraged, and had high conceits of their own worth, appeared on the appointed day, in a dreſs and equipage ſuitable to their reſpective fancies. The place of meeting was a flowery meadow,

The royal damſels, ſeated by his ſide,
Shone like two flowers in ſummer's faireſt pride:
The ſwains before them crouded in a ring,
Prepar'd to blow the flute, or ſweetly ſing.

First, in the midſt a graceful youth aroſe,
Born in thoſe fields where cryſtal Mele flows:
His air was courtly, his complexion fair;
And rich perfumes ſhed ſweetneſs from his hair,
That o'er his ſhoulder wav'd in flowing curls,
With roſes braided, and inwreath'd with pearls;
A wand of cedar for his crook he bore;
His ſlender foot th' Arcadian ſandal wore,
Yet that ſo rich, it ſeem'd to fear the ground,
With beaming gems and ſilken ribbands bound;
The plumage of an oſtrich grac'd his head,
And with embroider'd flowers his mantle was o'erſpread.

He

IMITATIONS.

meadow, through which a clear ſtream murmured in many irregular meanders. The ſhepherds made a ſpacious ring for the contending lovers; and in one part of it there ſat upon a little throne of turf, under an arch of eglantine and woodbines, the father of the maid, and at his right hand the damſel crowned with roſes and lilies. She wore a flying robe of a ſlight green ſtuff; ſhe had a ſheephook in one hand, and the fatal pipe in the other. The firſt who approached her was a youth of a graceful preſence and a courtly air, but dreſſed in a richer habit than had ever been ſeen in Arcadia. He wore a crimſon veſt, cut, indeed, after the ſhepherd's faſhion, but ſo enriched with embroidery, and ſparkling with jewels, that the eyes of the ſpectators were diverted from conſidering the mode of the garment by the dazzling of the ornaments. His head was covered with a plume of feathers, and his ſheephook glittered with gold and enamel. He applied the pipe to his lips, and began a tune, which he ſet off with

* He ſung the darling of th' Idalian queen,
Fall'n in his prime on ſad Cythera's green;
When weeping graces left the faded plains,
And tun'd their ſtrings to elegiack ſtrains;
While mourning Loves the tender burden bore,
" Adonis, fair Adonis, charms no more."
The theme diſpleas'd the nymph, whoſe ruder ear
The tales of ſimple ſhepherds lov'd to hear.
The maids and youths, who ſaw the ſwain advance,
And take the fatal pipe, prepar'd to dance:
So wildly, ſo affectedly, he play'd,
His tune ſo various and uncouth he made,
That not a dancer could in cadence move,
And not a nymph the quaver'd notes approve:
They broke their ranks, and join'd the circling train,
While burſts of laughter ſounded o'er the plain.
Menalcas rais'd his hand, and bade retire
The ſilken courtier from th' Arcadian choir:
Two eager ſhepherds, at the king's command,
Rent his gay plume, and ſnapp'd his poliſh'd wand;
They tore his veſt, and o'er his boſom threw
A weed of homely grain and ruſſet hue;

IMITATIONS.

with ſo many graces and quavers, that the ſhepherds and ſhepherdeſſes, who had paired themſelves in order to dance, could not follow it; as indeed it required great ſkill and regularity of ſteps, which they had never been bred to. Menalcas ordered him to be ſtripped of his coſtly robes, and to be clad in a ruſſet weed, and to tend the flocks in the valleys for a year and a day.

NOTE.

* See Bion, Moſchus, &c.

Then

Then fill'd with wither'd herbs his ſcented locks,
And ſcornful drove him to the low-brow'd rocks;
There doom'd to rove, deſerted and forlorn,
Till thrice the moon had arch'd her ſilver horn.

* The next that roſe, and took the myſtick reed,
Was wrapp'd ungraceful in a ſordid weed:
A ſhaggy hide was o'er his ſhoulder ſpread,
And wreaths of noxious darnel bound his head;
Unſhorn his beard, and tangled was his hair,
He rudely walk'd, and thus addreſs'd the fair:
" My kids I fondle, and my lambs I kiſs;
" Ah! grant, ſweet maid, a more delightful bliſs."
The damſels bluſh with anger and diſdain,
And turn indignant from the ſhameleſs ſwain;
To Pan in ſilence, and to Love, they pray,
To make his muſick hateful as his lay.
The gods aſſent: the flute he roughly takes,
And ſcarce with pain a grating murmur makes;
But when in jarring notes he forc'd his ſong,
Juſt indignation fir'd the rural throng:

IMITATIONS.

* The ſecond that appeared was in a very different garb. He was cloathed in a garment of rough goat-ſkins, his hair was matted, his beard neglected; in his perſon uncouth, and awkward in his gait. He came up fleering to the nymph, and told her, "He had hugged " his lambs, and kiſſed his young kids, but he hoped to kiſs one that was ſweeter." The fair one bluſhed with modeſty and anger, and prayed ſecretly againſt him as ſhe gave him the pipe. He ſnatched it from her, but with great difficulty made it ſound; which was in ſuch harſh and jarring notes, that the ſhepherds cried one and all that he underſtood no muſick. He was immediately ordered to the moſt craggy parts of Arcadia to keep the goats, and commanded never to touch a pipe any more.

Shame

Shame of Arcadia's bowers! the youths exclaim,
Whofe tunelefs lays difgrace a fhepherd's name!
The watchful heralds, at Menalcas' nod,
Purfued the ruftick with a vengeful rod;
Condemn'd three fummers on the rocky fhore
To feed his goats, and touch a pipe no more.

* Now to the ring a portly fwain advanc'd,
Who neither wholly walk'd, nor wholly danc'd;
Yet mov'd in pain, fo clofe his crimfon veft
Was clafp'd uneafy o'er his ftraining breaft:
† "Fair nymph, faid he, the rofes, which you wear,
"Your charms improve not, but their own impair."
The maids, unus'd to flowers of eloquence,
Smil'd at the words, but could not guefs their fenfe.
When in his hand the facred reed he took,
Long time he view'd it with a penfive look;
Then gave it breath, and rais'd a fhriller note
Than when the bird of morning fwells his throat;
Through every interval, now low, now high,
Swift o'er the ftops his fingers feem'd to fly:

IMITATIONS.

* The third that advanced appeared in clothes that were fo ftrait and uneafy to him, that he feemed to move in pain. He marched up to the maiden with a thoughtful look, and ftately pace, and faid, "Divine Amaryllis, you wear not thofe rofes to improve your beauty, but to "make them afhamed." As fhe did not comprehend his meaning, fhe prefented the inftrument without reply. The tune that he played was fo intricate and perplexing, that the fhepherds ftood ftill like people aftonifhed and confounded.

NOTE.

† See Taffo, Guarini, Fontenelle, Camoens, Garcilaffo, and Lope de la Vega; and other writers of paftorals in Italian, French, Portuguefe, and Spanifh.

The

The youths, who heard ſuch muſick with ſurprize,
Gaz'd on the tuneful bard with wondering eyes:
He ſaw with ſecret pride their deep amaze,
Then ſaid, * "Arcadia ſhall reſound my praiſe,
"And every clime my powerful art ſhall own;
"This, this, ye ſwains, is melody alone:
"To me Amphion taught the heavenly ſtrains,
"Amphion, born on rich Heſperian plains."
To whom Menalcas: "Stranger, we admire
"Thy notes melodious, and thy rapturous fire;
"But ere to theſe fair valleys thou return,
"Adopt our manners, and our language learn:
"Some aged ſhepherd ſhall thy air improve,
"And teach thee how to ſpeak, and how to move."

† Soon to the bower a modeſt ſtripling came,
Faireſt of ſwains; and ‡ Tityrus his name:
Mild was his look, an eaſy grace he ſhow'd,
And o'er his beauteous limbs a decent mantle flow'd:

As

IMITATIONS.

* In vain did he plead that it was the perfection of muſick compoſed by the moſt ſkilful maſter of Heſperia. Menalcas, finding that he was a ſtranger, hoſpitably took compaſſion on him, and delivered him to an old ſhepherd, who was ordered to get him clothes that would fit him, and teach him how to ſpeak plain.

† The fourth that ſtepped forward was young Amyntas, the moſt beautiful of all the Arcadian ſwains, and ſecretly beloved by Amaryllis. He wore that day the ſame colours as the maid for whom he ſighed. He moved towards her with an eaſy, but unaſſured, air: ſhe

NOTE.

‡ The name ſuppoſed to be taken by Virgil in his firſt paſtoral.

bluſhed

As through the croud he prefs'd, the fylvan choir
His mien applauded, and his neat attire;
And Daphne, yet untaught in amorous lore,
Felt ftrange defires, and pains unknown before.
He now begins; the dancing hills attend,
And knotty oaks from mountain-tops defcend:
He fings of fwains beneath the beechen fhade,
* When lovely Amaryllis fill'd the glade;
Next, in a fympathizing lay, complains
Of love unpitied, and the lover's pains:
But when with art the hallow'd pipe he blew,
What deep attention hufh'd the rival crew!
He play'd fo fweetly, and fo fweetly fung,
That on each note th' enraptur'd audience hung;
Ev'n blue-hair'd nymphs, from Ladon's limpid ftream,
Rais'd their bright heads, and liften'd to the theme;
Then through the yielding waves in tranfport glanc'd;
Whilft on the banks the joyful fhepherds danc'd:
" We oft, faid they, at clofe of evening flowers,
" Have heard fuch mufick in the vocal bowers:

IMITATIONS.

blufhed as he came near her; and when fhe gave him the fatal prefent, they both trembled, but neither could fpeak. Having fecretly breathed his vows to the gods, he poured forth fuch melodious notes, that, though they were a little wild and irregular, they filled every heart with delight. The fwains immediately mingled in the dance; and the old fhepherds affirmed, that they had often heard fuch mufick by night, which they imagined to be played by fome of the rural deities.

NOTE.

* Formofam refonare doces Amaryllida fylvam. *Virg.*

" We wonder'd ; for we thought ſome amorous god,
" That on a ſilver moonbeam ſwiftly rode,
" Had fann'd with ſtarry plumes the floating air,
" And touch'd his harp, to charm ſome mortal fair."

He ended ; and as rolling billows loud
His praiſe reſounded from the circling croud.
The clamorous tumult ſoftly to compoſe,
High in the midſt the plaintive * Colin roſe,
Born on the lilied banks of royal Thame,
Which oft had rung with Roſalinda's name ;
Fair, yet neglected ; neat, yet unadorn'd ;
The pride of dreſs, and flowers of art, he ſcorn'd :
And, like the nymph who fir'd his youthful breaſt,
Green were his buſkins, green his ſimple veſt :
With careleſs eaſe his ruſtick lays he ſung,
And melody flow'd ſmoothly from his tongue :
Of June's gay fruits and Auguſt's corn he told,
The bloom of April, and December's cold ;
† The loves of ſhepherds, and their harmleſs cheer
In every month that decks the varied year.
Now on the flute with equal grace he play'd,
And his ſoft numbers died along the ſhade ;
The ſkilful dancers to his accents mov'd,
And every voice his eaſy tune approv'd ;

NOTES.

* Colin is the name that Spenſer takes in his paſtorals ; and Roſalinda is that under which he celebrates his miſtreſs.

† See the Shepherd's Kalendar.

Ev'n

Ev'n Hyla, blooming maid, admir'd the ſtrain,
While through her boſom ſhot a pleaſing pain.

Now all were huſh'd: no rival durſt ariſe;
Pale were their cheeks, and full of tears their eyes.
Menalcas, riſing from his flowery ſeat,
Thus, with a voice majeſtically ſweet,
Addreſs'd th' attentive throng: "Arcadians, hear!
"The ſky grows dark, and beamy ſtars appear:
"Haſte to the vale; the bridal bowers prepare,
"And hail with joy Menalcas' tuneful heir.
"Thou, Tityrus, of ſwains the pride and grace,
"Shall claſp ſoft Daphne in thy fond embrace:
"And thou, young Colin, in thy willing arms
"Shalt fold my Hyla, fair in native charms:
"O'er theſe ſweet plains divided empire hold,
"And to your lateſt race tranſmit an age of gold.
"What ſplendid viſions riſe before my ſight,
"And fill my aged boſom with delight!
"* Henceforth of wars and conqueſt ſhall you ſing,
"ARMS AND THE MAN in every clime ſhall ring:
"Thy muſe, bold Maro, Tityrus no more,
"Shall tell of chiefs that left the Phrygian ſhore,
"Sad Dido's love, and Venus' wandering ſon,
"The Latians vanquiſh'd, and Lavinia won.
"And thou, O Colin, heaven-defended youth,
"Shalt hide in fiction's veil the charms of truth;

NOTE.

* This prophecy of Menalcas alludes to the Æneid of Virgil, and the Fairy-Queen of Spenſer.

"Thy

" Thy notes the ſting of ſorrow ſhall beguile,
" And ſmooth the brow of anguiſh till it ſmile;
" Notes, that a ſweet Elyſian dream can raiſe,
" And lead th' enchanted ſoul through fancy's maze;
" Thy verſe ſhall ſhine with Gloriana's name,
" And fill the world with Britain's endleſs fame."

* To Tityrus then he gave the ſacred flute,
And bade his ſons their bluſhing brides ſalute;
Whilſt all the train a lay of triumph ſung,
Till mountains echo'd, and till valley's rung.

† While thus with mirth they tun'd the nuptial ſtrain,
A youth, too late, was haſtening o'er the plain,
Clad in a flowing veſt of azure hue;
‡ Blue were his ſandals, and his girdle blue:
A ſlave, ill-dreſs'd and mean, behind him bore
An oſier-baſket, fill'd with fiſhy ſtore;
The lobſter with his ſable armour bold;
The taſteful mullet deck'd with ſcales of gold;

Bright

IMITATIONS.

* The good old man leaped from his throne, and, after he had embraced him, preſented him to his daughter, which cauſed a general acclamation.

† While they were in the midſt of their joy, they were ſurpriſed with a very odd appearance. A perſon, in a blue mantle, crowned with ſedges and ruſhes, ſtepped into the midſt of the ring. He had an angling rod in his hand, a pannier upon his back; and a poor meagre wretch in wet clothes carried ſome oyſters before him. Being aſked, whence he came, and

what

NOTE.

‡ See Sannazaro, Ongaro, Phineas Fletcher, and other writers of piſcatory eclogues.

Bright perch, the tyrants of the finny breed;
And greylings ſweet, that crop the fragrant weed:
Among them ſhells of many a *tint* appear;
* The heart of Venus, and her pearly ear;
The nautilus, on curling billows born;
And ſcallops, by the wandering pilgrim worn;
Some dropp'd with ſilver, ſome with purple dye;
With all the race that ſeas or ſtreams ſupply;
A net and angle o'er his ſhoulder hung:
Thus was the ſtranger clad, and thus he ſung:
" Ah! lovely damſel, leave thy ſimple ſheep;
" 'Tis ſweeter in the ſea-worn rock to ſleep:
" There ſhall thy line the ſcaly ſhoals betray,
" And ſports, unknown before, beguile the day;
" To guide o'er rolling waves the dancing ſkiff,
" Or pluck the ſamphire from th' impending cliff:
" My rapturous notes the blue-ey'd Nereids praiſe,
" And ſilver-footed Naiads hear my lays."
" To them, Menalcas ſaid, thy numbers pour;
" Inſult our flocks and bliſsful vales no more."
He ſpoke; the heralds knew their ſovereign's will,
And hurl'd the fiſher down the ſloping hill:

IMITATIONS.

what he was, he told them he was come to invite Amaryllis from the plains to the ſea-ſhore; that his ſubſtance conſiſted in ſea-calves; and that he was acquainted with the Nereids and Naiads. " Art thou acquainted with the Naiads?" ſaid Menalcas, " to them ſhalt thou return." The ſhepherds immediately hoiſted him up as an enemy to Arcadia, and plunged him in the river, where he ſunk, and was never heard of ſince.

NOTE.

* *Venus's heart* and *Venus's ear* are the names of two very beautiful ſhells.

Headlong

Headlong he plung'd beneath the liquid plain,
(But not a nymph receiv'd the falling ſwain);
Then, dropping, roſe; and, like the ruſhing wind,
Impetuous fled, nor caſt a look behind:
* He ſought the poplar'd banks of winding Po,
But ſhunn'd the meads where Ladon's waters flow.

† Ere through nine radiant ſigns the flaming ſun
His courſe reſplendent in the Zodiack run,
The royal damſels, baſhful now no more,
Two lovely boys on one glad morning bore;
From blooming Daphne fair Alexis ſprung,
And Colinet on Hyla's boſom hung;
Both o'er the vales of ſweet Arcadia reign'd,
And both the manners of their ſires retain'd:
‡ Alexis, fairer than a morn of May,
In glades and foreſts tun'd his rural lay,
More ſoft than rills that through the valley flow,
Or vernal gales that o'er the violets blow;
He ſung the tender woes of artleſs ſwains,
Their tuneful conteſts, and their amorous pains;

IMITATIONS.

† Amyntas and Amaryllis lived a long and happy life, and governed the vales of Arcadia. Their generation was very long-lived, there having been but four deſcents in above two thouſand years. His heir was called Theocritus, who left his dominions to Virgil. Virgil left his to his ſon Spenſer, and Spenſer was ſucceeded by his eldeſt-born Philips.

NOTES.

* This alludes to the Latin compoſitions of Sannazarius; which have great merit in their kind.

‡ See Pope's paſtorals.

When

When early ſpring has wak'd the breathing flowers,
Or winter hangs with froſt the ſilvery bowers:
† But Colinet in ruder numbers tells
The loves of ruſticks, and fair-boding ſpells;
Sings how they ſimply paſs the livelong day,
And ſoftly mourn, or innocently play.

Since them no ſhepherd rules th' Arcadian mead,
But ſilent hangs Menalcas' fatal reed.

NOTE.

* See the Shepherd's Week, of Gay.

CAISSA:

OR,

THE GAME AT CHESS.

A POEM.

WRITTEN IN THE YEAR 1763.

ADVERTISEMENT.

THE firſt idea of the following piece was taken from a Latin poem of Vida, entitled SCACCHIA LUDUS, which was tranſlated into Italian by Marino, and inſerted in the fifteenth Canto of his Adonis: the author thought it fair to make an acknowledgment in the notes for the paſſages which he borrowed from thoſe two poets; but he muſt alſo do them the juſtice to declare, that moſt of the deſcriptions, and the whole ſtory of Caïſſa, which is written in imitation of Ovid, are his own, and their faults muſt be imputed to him only. The characters in the poem are no leſs imaginary than thoſe in the epiſode; in which the invention of Cheſs is poetically aſcribed to Mars, though it is certain that the game was originally brought from India.

CAISSA.

*OF armies on the chequer'd field array'd,
And guiltless war in pleasing form display'd;
When two bold kings contend with vain alarms,
In ivory this, and that in ebon arms;
Sing, sportive maids, that haunt the sacred hill
Of Pindus, and the fam'd Pierian rill.
† Thou, joy of all below, and all above,
Mild Venus, queen of laughter, queen of love;
Leave thy bright island, where on many a rose
And many a pink thy blooming train repose:
Assist me, goddess! since a lovely pair
Command my song, like thee divinely fair.

Near yon cool stream, whose living waters play,
And rise translucent in the solar ray;

IMITATIONS.

* Ludimus effigiem belli, simulataque veris
Prælia, buxo acies fictas, et ludicra regna:
Ut gemini inter se reges, albusque nigerque,
Pro laude oppositi certent bicoloribus armis.
Dicite, Seriades Nymphæ, certamina tanta. *Vida.*

† Æneadum genitrix, hominum divûmque voluptas,
Alma Venus! &c. *Lucretius.*

Beneath

Beneath the covert of a fragrant bower,
Where ſpring's ſoft influence purpled every flower;
Two ſmiling nymphs reclin'd in calm retreat,
And envying bloſſoms crowded round their ſeat;
Here Delia was enthron'd, and by her ſide
The ſweet Sirena, both in beauty's pride:
Thus ſhine two roſes, freſh with early bloom,
That from their native ſtalk diſpenſe perfume;
Their leaves unfolding to the dawning day
Gems of the glowing mead, and eyes of May.
A band of youths and damſels ſat around,
Their flowing locks with braided myrtle bound;
Agatis, in the graceful dance admir'd,
And gentle Thyrſis, by the muſe inſpir'd;
With Sylvia, faireſt of the mirthful train;
And Daphnis, doom'd to love, yet love in vain.
Now, whilſt a purer bluſh o'erſpreads her cheeks,
With ſoothing accents thus Sirena ſpeaks:

"The meads and lawns are ting'd with beamy light,
"And wakeful larks begin their vocal flight;
"Whilſt on each bank the dewdrops ſweetly ſmile;
"What ſport, my Delia, ſhall the hours beguile?
"Shall heavenly notes, prolong'd with various art,
"Charm the fond ear, and warm the rapturous heart?
"At diſtance ſhall we view the ſylvan chace?
"Or catch with ſilken lines the finny race?"

Then Delia thus: "Or rather, ſince we meet
"By chance aſſembled in this cool retreat,

"In

" In artful conteſt let our warlike train
" Move well-directed o'er the colour'd plain;
" Daphnis, who taught us firſt, the play ſhall guide;
" Explain its laws, and o'er the field preſide:
" No prize we need, our ardour to inflame;
" We fight with pleaſure, if we fight for fame."

The nymph conſents: the maids and youths prepare
To view the combat, and the ſport to ſhare;
But Daphnis moſt approv'd the bold deſign,
Whom Love inſtructed, and the tuneful Nine.
He roſe, and on the cedar table plac'd
A poliſh'd board, with differing colours grac'd;
* Squares eight times eight in equal order lie;
Theſe bright as ſnow, thoſe dark with ſable dye;
Like the broad target by the tortoiſe born,
Or like the hide by ſpotted panthers worn.
Then from a cheſt, with harmleſs heroes ſtor'd,
O'er the ſmooth plain two well-wrought hoſts he pour'd;
The champions burn'd their rivals to aſſail,
† Twice eight in black, twice eight in milkwhite mail;

IMITATIONS.

* Sexaginta inſunt et quatuor ordine ſedes
Octono; parte ex omni, via limite quadrat
Ordinibus paribus; necnon forma omnibus una
Sedibus, æquale et ſpatium, ſed non color unus:
Alternant ſemper variæ, ſubeuntque viciſſim
Albentes nigris; teſtudo picta ſuperne
Qualia devexo geſtat diſcrimina tergo. *Vida.*

† Agmina bina pari numeroque, et viribus æquis,
Bis niveâ cum veſte octo, totidemque nigranti.
Ut variæ facies, pariter ſunt et ſua cuique
Nomina, diverſum munus, non æqua poteſtas. *Vida.*

In

In ſhape and ſtation different, as in name,
Their motions various, nor their power the ſame.
Say, muſe ! (for Jove has nought from thee conceal'd)
Who form'd the legions on the level field ?

High in the midſt the reverend kings appear,
And o'er the reſt their pearly ſcepters rear :
One ſolemn ſtep, majeſtically ſlow,
They gravely move, and ſhun the dangerous foe ;
If e'er they call, the watchful ſubjects ſpring,
And die with rapture if they ſave their king ;
On him the glory of the day depends,
He once impriſon'd, all the conflict ends.

The queens exulting near their conſorts ſtand ;
Each bears a deadly falchion in her hand ;
Now here, now there, they bound with furious pride,
And thin the trembling ranks from ſide to ſide ;
Swift as Camilla flying o'er the main,
Or lightly ſkimming o'er the dewy plain :
Fierce as they ſeem, ſome bold Plebeian ſpear
May pierce their ſhield, or ſtop their full career.

The valiant guards, their minds on havock bent,
Fill the next ſquares, and watch the royal tent ;
Though weak their ſpears, though dwarfiſh be their height,
* Compact they move, the bulwark of the fight.

To

NOTE.

* The chief art in the Tacticks of Cheſs conſiſts in the nice conduct of the royal pawns ; in ſupporting them againſt every attack ; and, if they are taken, in ſupplying their places with others equally ſupported ;

To right and left the martial wings diſplay
Their ſhining arms, and ſtand in cloſe array.
Behold, four archers, eager to advance,
Send the light reed, and ruſh with ſidelong glance;
Through angles ever they aſſault the foes,
True to the colour, which at firſt they choſe.
Then four bold knights for courage fam'd and ſpeed,
Each knight exalted on a prancing ſteed:
* Their arching courſe no vulgar limit knows,
Tranſverſe they leap, and aim inſidious blows:
Nor friends, nor foes, their rapid force reſtrain,
By one quick bound two changing ſquares they gain;
From varying hues renew the fierce attack,
And ruſh from black to white, from white to black.
Four ſolemn elephants the ſides defend;
Beneath the load of ponderous towers they bend:
In one unalter'd line they tempt the fight;
Now cruſh the left, and now o'erwhelm the right.
Bright in the front the dauntleſs ſoldiers raiſe
Their poliſh'd ſpears; their ſteely helmets blaze:

IMITATIONS.

* Il cavallo leggier per dritta liſta,
Come gli altri, l' arringo unqua non fende,
Mà la lizza attraverſa, e fiero in viſta
Curvo in giro, e lunato il ſalto ſtende,
E ſempre nel ſaltar due caſe acquiſta,
Quel colore abbandona, e queſto prende.

Marino, Adone. 15.

NOTE.

ſupported: a principle, on which the ſucceſs of the game in great meaſure depends, though it ſeems to be omitted by the very accurate Vida.

Prepar'd

Prepar'd they ſtand the daring foe to ſtrike,
Direct their progreſs, but their wounds oblique.

Now ſwell th' embattled troops with hoſtile rage,
And clang their ſhields, impatient to engage;
When Daphnis thus: A varied plain behold,
Where fairy kings their mimick tents unfold,
As Oberon, and Mab, his wayward queen,
Lead forth their armies on the daiſied green.
No mortal hand the wonderous ſport contriv'd,
By Gods invented, and from Gods deriv'd;
* From them the Britiſh nymphs receiv'd the game,
And play each morn beneath the cryſtal Thame;
Hear then the tale, which they to Colin ſung,
As idling o'er the lucid wave he hung.

A lovely Dryad rang'd the Thracian wild,
Her air enchanting, and her aſpect mild;
To chaſe the bounding hart was all her joy,
Averſe from Hymen, and the Cyprian boy;
O'er hills and valleys was her beauty fam'd,
And fair Caiſſa was the damſel nam'd.
Mars ſaw the maid; with deep ſurprize he gaz'd,
Admir'd her ſhape, and every geſture prais'd:
His golden bow the child of Venus bent,
And through his breaſt a piercing arrow ſent:

IMITATIONS.

* Quæ quondam ſub aquis gaudent ſpectacla tueri
Nereides, vaſtique omnis gens accola ponti;
Siquando placidum mare, et humida regna quierunt. *Vida.*

The

The reed was Hope; the feathers, keen Deſire;
The point, her eyes; the barbs, ethereal fire.
Soon to the nymph he pour'd his tender ſtrain;
The haughty Dryad ſcorn'd his amorous pain:
He told his woes, where'er the maid he found,
And ſtill he preſs'd, yet ſtill Caïſſa frown'd;
But ev'n her frowns (ah, what might ſmiles have done!)
Fir'd all his ſoul, and all his ſenſes won.
He left his car, by raging tigers drawn,
And lonely wander'd o'er the duſky lawn;
Then lay deſponding near a murmuring ſtream,
And fair Caïſſa was his plaintive theme.
A Naiad heard him from her moſſy bed,
And through the cryſtal rais'd her placid head;
Then mildly ſpake: " O thou, whom love inſpires,
" Thy tears will nouriſh, not allay thy fires.
" The ſmiling bloſſoms drink the pearly dew;
" And ripening fruit the feather'd race purſue;
" The ſcaly ſhoals devour the ſilken weeds;
" Love on our ſighs, and on our ſorrow feeds.
" Then weep no more; but, ere thou canſt obtain
" Balm to thy wounds, and ſolace to thy pain,
" With gentle art thy martial look beguile;
" Be mild, and teach thy rugged brow to ſmile.
" Canſt thou no play, no ſoothing game deviſe,
" To make thee lovely in the damſel's eyes?
" So may thy prayers aſſuage the ſcornful dame,
" And ev'n Caïſſa own a mutual flame."
" Kind nymph, ſaid Mars, thy counſel I approve,
" Art, only art, her ruthleſs breaſt can move.

" But when? or how? Thy dark difcourfe explain :
" So may thy ftream ne'er fwell with gufhing rain ;
" So may thy waves in one pure current flow,
" And flowers eternal on thy border blow !"

To whom the maid replied with fmiling mien :
" Above the palace of the Paphian queen
" * Love's brother dwells, a boy of graceful port,
" By gods nam'd Euphron, and by mortals Sport :
" Seek him ; to faithful ears unfold thy grief,
" And hope, ere morn return, a fweet relief.
" His temple hangs below the azure fkies ;
" Seeft thou yon argent cloud? 'Tis there it lies."
This faid, fhe funk beneath the liquid plain,
And fought the manfion of her blue-hair'd train.

Meantime the god, elate with heart-felt joy,
Had reach'd the temple of the fportful boy ;
He told Caïffa's charms, his kindled fire,
The Naiad's counfel, and his warm defire.
" Be fwift, he added, give my paffion aid ;
" A god requefts."—He fpake, and Sport obey'd.
He fram'd a tablet of celeftial mold,
Inlay'd with fquares of filver and of gold ;
Then of two metals form'd the warlike band,
That here compact in fhow of battle ftand ;

IMITATIONS.

* Ecco d' aftuto ingegno, e pronta mano
Garzon, che fempre fcherza, e vola ratto,
Gioco s'apella, ed è *d' amor germano.* *Marino*, *Adone.* 15.

He

He taught the rules that guide the penſive game,
And call'd it *Caſſa* from the Dryad's name:
(Whence Albion's ſons, who moſt its praiſe confeſs,
Approv'd the play, and nam'd it thoughtful *Cheſs.)*
The god delighted thank'd indulgent Sport;
Then graſp'd the board, and left his airy court.
With radiant feet he pierc'd the clouds; nor ſtay'd,
Till in the woods he ſaw the beauteous maid:
Tir'd with the chaſe the damſel ſat reclin'd,
Her girdle looſe, her boſom unconfin'd.
He took the figure of a wanton Faun,
And ſtood before her on the flowery lawn;
Then ſhow'd his tablet: pleas'd the nymph ſurvey'd
The lifeleſs troops in glittering ranks diſplay'd;
She aſk'd the wily ſylvan to explain
The various motions of the ſplendid train;
With eager heart ſhe caught the winning lore,
And thought ev'n Mars leſs hateful than before:
" What ſpell, ſaid ſhe, deceiv'd my careleſs mind?
" The god was fair, and I was moſt unkind."
She ſpoke, and ſaw the changing Faun aſſume
A milder aſpect, and a fairer bloom;
His wreathing horns, that from his temples grew,
Flow'd down in curls of bright celeſtial hue;
The dappled hairs, that veil'd his loveleſs face,
Blaz'd into beams, and ſhow'd a heavenly grace;
The ſhaggy hide, that mantled o'er his breaſt,
Was ſoften'd to a ſmooth tranſparent veſt,
That through its folds his vigorous boſom ſhow'd,
And nervous limbs, where youthful ardour glow'd:

(Had

(Had Venus view'd him in thoſe blooming charms,
Not Vulcan's net had forc'd her from his arms.)
With goatlike feet no more he mark'd the ground,
But braided flowers his ſilken ſandals bound.
The Dryad bluſh'd; and, as he preſs'd her, ſmil'd,
Whilſt all his cares one tender glance beguil'd.

He ends: *To arms*, the maids and ſtriplings cry;
To arms, the groves and ſounding vales reply.
Sirena led to war the ſwarthy crew,
And Delia thoſe that bore the lily's hue.
Who firſt, O muſe, began the bold attack;
The white refulgent, or the mournful black?
Fair Delia firſt, as favouring lots ordain,
Moves her pale legions tow'rd the ſable train:
From thought to thought her lively fancy flies,
Whilſt o'er the board ſhe darts her ſparkling eyes.

At length the warriour moves with haughty ſtrides;
Who from the plain the ſnowy king divides:
With equal haſte his ſwarthy rival bounds;
His quiver rattles, and his buckler ſounds:
Ah! hapleſs youths, with fatal warmth you burn;
Laws, ever fix'd, forbid you to return.
Then from the wing a ſhort-liv'd ſpearman flies,
Unſafely bold, and ſee! he dies, he dies:
The dark-brow'd hero, with one vengeful blow
Of life and place deprives his ivory foe.
Now ruſh both armies o'er the burniſh'd field,
Hurl the ſwift dart, and rend the burſting ſhield.

Here

Here furious knights on fiery courſers prance,
Here archers ſpring, and lofty towers advance.
But ſee ! the white-rob'd Amazon beholds
Where the dark hoſt its opening van unfolds:
Soon as her eye diſcerns the hoſtile maid,
By ebon ſhield, and ebon helm betray'd;
Seven ſquares ſhe paſſes with majeſtick mien,
And ſtands triumphant o'er the falling queen.
Perplex'd, and ſorrowing at his conſort's fate,
The monarch burn'd with rage, deſpair, and hate:
Swift from his zone th' avenging blade he drew,
And, mad with ire, the proud virago ſlew.
Meanwhile ſweet-ſmiling Delia's wary king
Retir'd from fight behind his circling wing.

Long time the war in equal balance hung;
Till, unforeſeen, an ivory courſer ſprung,
And, wildly prancing in an evil hour,
Attack'd at once the monarch and the tower:
Sirena bluſh'd; for, as the rules requir'd,
Her injur'd ſovereign to his tent retir'd;
Whilſt her loſt caſtle leaves his threatening height,
And adds new glory to th' exulting knight.

At this, pale fear oppreſs'd the drooping maid,
And on her cheek the roſe began to fade:
A cryſtal tear, that ſtood prepar'd to fall,
She wip'd in ſilence, and conceal'd from all;
From all but Daphnis: He remark'd her pain,
And ſaw the weakneſs of her ebon train;

Then

Then gently ſpoke: "Let me your loſs ſupply,
"And either nobly win, or nobly die;
"Me oft has fortune crown'd with fair ſucceſs,
"And led to triumph in the fields of Cheſs."
He ſaid: the willing nymph her place reſign'd,
And ſat at diſtance on the bank reclin'd.
Thus when Minerva call'd her chief to arms,
And Troy's high turret ſhook with dire alarms,
The Cyprian goddeſs wounded left the plain,
And Mars engag'd a mightier force in vain.

Straight Daphnis leads his ſquadron to the field;
(To Delia's arms 'tis ev'n a joy to yield.)
Each guileful ſnare, and ſubtle art he tries,
But finds his art leſs powerful than her eyes:
Wiſdom and ſtrength ſuperiour charms obey;
And beauty, beauty, wins the long-fought day.
By this a hoary chief, on ſlaughter bent,
Approach'd the gloomy king's unguarded tent;
Where, late, his conſort ſpread diſmay around,
Now her dark corſe lies bleeding on the ground.
Hail, happy youth! thy glories not unſung
Shall live eternal on the poet's tongue;
For thou ſhalt ſoon receive a ſplendid change,
And o'er the plain with nobler fury range.
The ſwarthy leaders ſaw the ſtorm impend,
And ſtrove in vain their ſovereign to defend:
Th' invader wav'd his ſilver lance in air,
And flew like lightning to the fatal ſquare;
His limbs dilated in a moment grew
To ſtately height, and widen'd to the view;

More

More fierce his look, more lion-like his mien,
Sublime he mov'd, and ſeem'd a warriour queen.
As when the ſage on ſome unfolding plant
Has caught a wandering fly, or frugal ant,
His hand the microſcopick frame applies,
And lo! a bright-hair'd monſter meets his eyes;
He ſees new plumes in ſlender caſes roll'd;
Here ſtain'd with azure, there bedropp'd with gold;
Thus, on the alter'd chief both armies gaze,
And both the kings are fix'd with deep amaze.
The ſword, which arm'd the ſnow-white maid before,
He now aſſumes, and hurls the ſpear no more;
Then ſprings indignant on the dark-rob'd band,
And knights and archers feel his deadly hand.
Now flies the monarch of the ſable ſhield,
His legions vanquiſh'd, o'er the lonely field:
* So when the morn, by roſy courſers drawn,
With pearls and rubies ſows the verdant lawn,
Whilſt each pale ſtar from heaven's blue vault retires,
Still Venus gleams, and laſt of all expires.
He hears, where'er he moves, the dreadful ſound;
Check the deep vales, and *Check* the woods rebound.
No place remains: he ſees the certain fate,
And yields his throne to ruin, and Checkmate.

IMITATIONS.

* ——— Medio rex æquore inermis
Conſtitit amiſſis ſociis; velut æthere in alto
Expulit ardentes flammas ubi lutea bigis
Luciferis Aurora, tuus pulcherrimus ignis
Lucet adhuc, Venus, et cœlo mox ultimus exit. *Vida*, ver. 604.

A brighter

A brighter bluſh o'erſpreads the damſel's cheeks,
And mildly thus the conquer'd ſtripling ſpeaks:
" A double triumph, Delia, haſt thou won,
" By Mars protected, and by Venus' ſon;
" The firſt with conqueſt crowns thy matchleſs art,
" The ſecond points thoſe eyes at Daphnis' heart."
She ſmil'd; the nymphs and amorous youths ariſe,
And own, that beauty gain'd the nobler prize.

Low in their cheſt the mimick troops were lay'd,
* And peaceful ſlept the ſable hero's ſhade.

* A parody of the laſt line in Pope's tranſlation of the Iliad,
" And peaceful ſlept the mighty Hector's ſhade."

CARMINUM LIBER.

I. ODE SINICA.

VIDES ut agros dulce gemmatos lavet
Argenteus rivi latex;
Virides ut aura ſtridulo modulamine
Arundines interſtrepat:
Sic, ſic, amœno cincte virtutum choro
Princeps, amabiliter nites.
Ut maximo labore, & arte maximâ
Effingit artifex ebur,
Sic ad benignitatem amica civium
Blandè figuras pectora.
Ut delicata gemmulam expolit manus
Fulgore lucentem aureo,
Sic civitatem mitium gaudes tuam
Ornare morum lumine.
O quàm verenda micat in oculis lenitas!
Minantur & rident ſimul.
O quanta pulchro dignitas vultu patet,
Et quantus inceſſu decor!
Scilicet, amœno cincte virtutum choro
Princeps, amabiliter nites.
Annon per omne, veris inſtar, ſeculum
Memoria floreſcet tui?

II. ODE PERSICA.

JAM rofa purpureum caput explicat. Adfit, amici,
Suavis voluptatum cohors:
Sic monûere fenes.
Nunc læti fumus; at citius læta avolat ætas,
Quin facra mutemus mero
Stragula nectareo?
Dulcè gemit zephyrus: ridentem mitte puellam,
Quam molli in amplexu tenens
Pocula læta bibam.
Tange chelyn. Sævit fortuna; at mitte querelas:
Cur non canoros barbiti
Elicimus modulos?
En! florum regina nitet rofa. Fundite vini,
Quod amoris extinguat facem,
Nectareos latices.
Suavè loquens Philomela vocor: quî fiat ut umbrâ
Tectus rofarum nexili
(Veris avis) taceam?

III. ALTERA.

AFFER fcyphos, & dulcè ridentis meri
Purpureos latices
Effunde largiùs, puer.

Nam

Nam vinum amores lenit adolefcentium,
Difficilefque fenum
Emollit ægritudines.
Solem merum æmulatur, & lunam calix;
Nectareis foveat
Dic luna folem amplexibus.
Flammas nitentes fparge: vini fcilicet
Fervidioris aquam
Flammæ nitentis æmulam.
Quòd fi rofarum fragilis avolat decor,
Sparge, puer, liquidas
Vini rubefcentis rofas.
Si devium Philomela deferit nemus,
Pocula læta canant
Non elaboratum melos.
Injuriofæ fperne fortunæ minas;
Lætaque mœftitiam
Depellat informem chelys.
Somnus beatos, fomnus amplexûs dabit:
Da mihi dulce merum
Somnum quod alliciat levem.
Dulce eft madere vino. Da calices novos,
Ut placidâ madidus
Oblivione perfruar.
Scyphum affer alterum, puer, deinde alterum:
Seu vetitum fuerit,
Amice, feu licitum, bibam.

IV. ODE ARABICA.

AD FABULLUM.

DULCI triſtitiam vino lavere, aut, nitente lunâ,
Multâ reclines in roſâ
Urgere blandis oſculis puellas;
Aut, dum prata levi pulſat pede delicata virgo
Comam renodans auream,
Molli cupidinis tepere flammâ:
Aut, dum blanda aures recreat lyra, floreo ſub antro
Ad ſuave zephyrorum melos
Rore advocati ſpargier ſoporis:
Hæc ver purpureum dat gaudia, comis & juventas,
His, mite dum tempus favet,
Decet vacare, dumque ridet annus.
Quicunque aut rerum domini ſumus, aut graves coacti
Curas egeſtatis pati,
Debemur aſperæ, *Fabulle*, morti.

V. AD LÆLIUM.

VESTIMENTA tuis grata ſororibus,
Et donem lapides, quos vel alit Tagi
Fluctus, vel celer undâ
Ganges auriferâ lavit,
Læli, ſi mea ſit dives opum domus:
Quid mittam addubito. Scilicet haud mea

Servo

Servo carmina blandis
Nympharum auribus inſolens,
Quarum tu potior pectora candidis
Mulces alloquiis, te potiorem amat
Muſa, utcunque puellæ
Pulſas Æoliæ fides.
Quin illis acies mittere commodus
Tornatas meditor, quæ bicoloribus
Armis conſpiciendæ
Bella innoxia deſtinant;
Qualis propter aquas aut Lacedæmoni
Eurotæ gelidas, aut Tiberis vada,
Cornicum manus albis
Nigrans certat oloribus.
Cur non ſub viridi ludimus ilicis
Umbrâ ſuppoſiti? Dic veniat genis
Ridens Lydia pulchris,
Et ſaltare decens Chloe:
Dic reddant mihi me. Ludite, virgines;
Me teſtudineis aut Venerem modis
Dicente, aut juvenilis
Telum dulce Cupidinis.

VI. AD LUNAM.

CŒLI dulcè nitens decus,
Lentâ lora manu, Cynthia, corripe:
Pulchræ tecta peto Chloës,
Et labrum roſeo nectare ſuavius.

Non

Non prædator ut improbus,
Per ſylvas propero, te duce, devias;
Nec, dum lux radiat tua,
Ultricem meditor figere cuſpidem.
Quem tu, mitis Amor, ſemel
Placatum tepidâ lenieris face,
Illum deſeruit furor,
Et telum facili decidit è manu.
Nec delicta per & nefas
Furtiva immeritus gaudia perſequor;
Blandâ victa Chloë prece
Peplum rejiciet purpureum libens.

VII. AD VENEREM.

ORO te teneri blanda Cupidinis
Mater, cœruleis edita fluctibus,
Quæ grati fruticeta accolis Idali,
Herboſamque Amathunta, & viridem Cnidon,
Oro, Pyrrha, meis cedat amoribus,
Quæ nunc, Tænariâ immitior æſculo,
Mœrentis Licinî ſollicitum melos
Ridet. Non liquidæ carmine tibiæ,
Non illam Æoliis illacrymabilem
Plectris dimoveat, lenis ut arduam
Cervicem tepidum flectat ad oſculum.
(Quantum eſt & vacuis nectar in oſculis!)
Quod ſi carminibus mitior applicet
Aures illa meis, ſi (rigidum gelu
Te ſolvente) pari me tepeat face,

Te

Te propter liquidum fonticuli vitrum,
Ponam confpicuo marmore lucidam,
Te cantans Paphiam, teque Amathufiam
Pellam gramineum ter pede cefpitem,
Tum nigranti hederâ & tempora laureâ
Cingam, tunc hilares eliciam modos:
At nunc me juvenum prætereuntium
Me ridet comitum cœtus amabilis;
Et ludens puerorum in plateis cohors
Oftendit digitis me, quia langueo
Demiffis oculis, me, quia fomnia
Abrupta haud facili virgine faucium
Monftrant, & violâ pallidior gena.

VIII. AD EANDEM.

PERFIDO ridens Erycina vultu,
Seu Joci mater, tenerique Amoris,
Seu Paphi regina potens, Cyprique
 Laetior audis,
Linque jucundam Cnidon, & corufcum
Dirigens currum levis huc vocanti,
Huc veni, & tecum properet foluto
 Crine Thalia.
Jam venis! nubes placidi ferenas
Pafferes findunt; fuper albicantes
Dum volant fylvas, celerefque verfant
 Leniter alas.

Rurfus

Rurſus ad cœlum fugiunt. Sed almâ
Dulcè ſubridens facie, loquelam
Melle conditam liquido jacentis
Fundis in aurem.
" Qua tepes, inquis, Licini, puellâ,
" Lucidis venanti oculis amantes ?
" Cur doces mœſtas reſonare lucum,
" Care, querelas ?
" Dona ſi ridet tua, dona mittet;
" Sive te molli roſeos per hortos
" Hinnulo vitat levior, ſequetur
" Ipſa fugacem."
Per tuos oro, dea mitis, ignes,
Pectus ingratæ rigidum Corinnæ
Lenias. Et te, Venus alma, amore
Forſit Adonis.

EX FERDUSII POETÆ PERSICI POEMATE HEROICO.

SAMUS, ut aurato cinctum diademate regem
Vidit ovans, excelſa ferebat ad atria greſſum ;
Quem rex ad meritos facilis provexit honores,
Et ſecum in ſolio juſſit conſidere eburneo,
Cælato rutilanti auro, inſertiſque pyropis.
Magnanimum affatus tum blandâ heroä loquelâ,
Multa ſuper ſociis, ſuper armis multa rogabat,
Jam, quantos aleret tellus Hyrcana gigantas,
Jam, quâ parta manu nova ſit victoria Perſis:
Cui dux hæc memori parens eſt voce locutus.

Venimus

Venimus ad caſtra hoſtilis, rex maxime, gentis;
Gens eſt dura, ferox; non aſpera ſævior errat
Per dumeta leo, non ſylvâ tigris in atrâ;
Non equus in lætis Arabum it velocior agris.
Cùm ſubito trepidam pervenit rumor in urbem
Adventare aciem, queruli per tecta, per arces,
Auditi gemitûs, & non lætabile murmur:
Ilicet æratâ fulgentes caſſide turmas
Eduxere viri; pars vaſtos fuſa per agros,
Pars monte in rigido, aut depreſſa valle ſedebat:
Horruit ære acies, tantæque a pulvere nubes
Exortæ, ut pulchrum tegeret jubar ætherius ſol.
Quale in arenoſo nigrarum colle laborat
Formicarum agmen, congeſtaque farra reponit;
Aut qualis culicum leviter ſtridentibus alis
Turba volans, tenues ciet importuna ſuſurros;
Tales proſiluere. Nepos ante agmina Salmi
Cercius emicuit, quo non fuit ardua pinus
Altior, aut vernans excelſo in monte cupreſſus.
At Perſarum artûs gelidâ formidine ſolvi
Arguit & tremor, & laxato in corpore pallor:
Hoc vidi, & valido torquens haſtile lacerto
Per medias juſſi, duce me, penetrare phalangas;
Irruit alatus ſonipes, ceu torvus in arvis
Æthiopum latis elephas, neque ſenſit habenam:
Militibus vires redière, & priſtina virtus.
Ac velut, undantis cùm ſurgant flumina Nili,
Et refluant, avidis haud injucunda colonis,
Pinguia frugiferis implentur fluctibus arva;
Sic terra innumeris agitata eſt illa catervis:
Cum ſtrepitum audierit noſtrum, ingentemque fragorem

 Findentis

Findentis galeas & ferrea ſcuta bipennis,
Cercius, horrifico complens loca vaſta boatu,
In me flexit equum, me crudeli enſe petebat,
Captivumque arcto voluit conſtringere nodo:
Fruſtra; nam, lunans habilem nec ſegniter arcum,
Populeas miſi duro mucrone ſagittas,
Flammarum ritu, aut per nubila fulminis acti:
Ille tamen celeri ruit impete, noſque morantes
Increpitat, letum minitans, rigidaſve catenas:
Ut verò acceſſit violenti turbinis inſtar,
Pulſus ut & clypeus clypeo eſt, & caſſide caſſis
Illum inſurgentem, dirumque infligere vulnus
Conantem, arripui, qua diſcolor ilia cinxit
Balteus, & rutilis ſubnexa eſt fibula baccis.
Strenua tum valido molimine brachia verſans
E ſtratis evulſi equitem, qui pronus, inermis,
Decidit, & rabido frendens campum ore momordit;
Pectora cui nivea, & ferratâ cuſpide coſtas
Transfodi, madidam defluxit ſanguis in herbam
Purpureus, triſtiſque elapſa eſt vita ſub umbras.
Haud mora, diffugiunt hoſtes, ductore perempto,
Saxa per & colles; noſtris victoria turmis
Affulſit, cæſoſque doles, Hyrcania, natos.
Sic pereant, quicunque tuo, rex optime, ſceptro,
Qui premis imperio ſtellas, parere recuſent!
Dixit; & heroas Perſarum rector ovantes
Laudibus in cœlum tollit; jubet inde beatas
Inſtaurari epulas, & pocula dulcia poni:
Conventum eſt, textoque ſuper diſcumbitur auro.

ELEGIA

ELEGIA ARABICA.

FULGUR an è densâ vibratum nube coruſcat?
  An roſeas nudat Leila pudica genas?
Bacciferumne celer fruticetum devorat ignis?
  Siderea an Solimæ lumina dulcè micant?
Nardus an Hageri, an ſpirant violaria Meccæ,
  Candida odoriferis an venit Azza comis?
Quàm juvat ah! patrios memori tenuiſſe receſſûs
  Mente, per ignotos dum vagor exul agros?
Valle ſub umbrosâ, pallens ubi luget amator,
  Num colit aſſuetos mollis amica lares?
Jamne cient raucum præfracta tonitrua murmur
  Montibus, effuſæ quos rigat imber aquæ?
An tua, dum fundit primum lux alma ruborem,
  Lympha, Azibe, meam pellet, ut ante, ſitim?
Quot mea felices vidiſtis gaudia, campi,
  Gaudia væ! miſero non renovanda mihi?
Ecquis apud Nagedi lucos aut paſcua Tudæ
  Paſtor amatorum ſpeſque metuſque canit?
Ecquis ait, gelidâ Salæ dum valle recumbit,
  "Heu! quid Cademeo in monte ſodalis agit?"
Num graciles rident hyemalia frigora myrti?
  Num viret in ſolitis lotos amata locis?
Num vernant humiles in aprico colle myricæ?
  Ne malus has oculus, ne mala lædat hyems!
An mea Alegiades, dulciſſima turba, puellæ
  Curant, an Zephyris irrita vota dabunt?
An viridem ſaliunt, nullo venante, per hortum

Hinnuleique

Hinnuleique citi, capreolique leves?
Visamne umbriferos, loca dilectissima, saltus,
Ducit ubi facilem læta Noama chorum?
Num Daregi ripas patulâ tegit arbutus umbrâ,
Ah! quoties lacrymis humida facta meis?
Grata quis antra colit, nobis absentibus, Amri,
Antra puellarum quàm bene nota gregi?
Forsan amatores Meccanâ in valle reductos
Absentis Solimæ commeminisse juvat.
Tempus erit, levibus quo pervigilata cachinnis
Nox dabit unanimi gaudia plena choro;
Quo dulces juvenum spirabit cœtus amores,
Et lætos avidâ combibet aure modos.

FABULA PERSICA.

RIGANTE molles imbre campos Persidis,
E nube in æquor lapsa pluviæ guttula est;
Quæ, cùm reluctans eloqui sineret pudor,
" Quid hoc loci? inquit, quid rei misella sum?
" Quò me repente, ah! quò redactam sentio?"
Cùm se verecundanti animulâ sperneret,
Illam recepit gemmeo concha in sinu;
Tandemque tenuis aquula facta est unio;
Nunc in coronâ læta Regis emicat,
Sibi non placere quanta sit virtus, docens.

AD

AD MUSAM.

VALE, Camena, blanda cultrix ingenî,
Virtutis altrix, mater eloquentiæ!
Linquenda alumno eſt laurus & chelys tuo:
At tu dearum dulcium dulciſſima,
Seu Suada mavis ſive Pitho dicier,
A te receptus in tuâ vivam fide:
Mihi ſit, oro, non inutilis toga,
Nec indiſerta lingua, nec turpis manus.

AN

ESSAY

ON THE

POETRY OF THE EASTERN NATIONS.

ARABIA, I mean that part of it, which we call the *Happy*, and which the *Aſiaticks* know by the name of *Yemen*, ſeems to be the only country in the world, in which we can properly lay the ſcene of paſtoral poetry; becauſe no nation at this day can vie with the *Arabians* in the delightfulneſs of their climate, and the ſimplicity of their manners. There is a valley, indeed, to the north of *Indoſtan*, called *Caſhmîr*, which, according to an account written by a native of it, is a perfect garden, exceedingly fruitful, and watered by a thouſand rivulets: but when its inhabitants were ſubdued by the ſtratagem of a *Mogul* prince, they loſt their happineſs with their liberty, and *Arabia* retained its old title without any rival to diſpute it. Theſe are not the fancies of a poet: the beauties of *Yemen* are proved by the concurrent teſtimony of all travellers, by the deſcriptions of it in all the writings of *Aſia*, and by the nature and ſituation of the country itſelf, which lies between the eleventh and fifteenth degrees of northern latitude, under a ſerene ſky, and expoſed to the moſt favourable influence of the ſun; it is encloſed on one ſide by vaſt rocks and deſerts, and defended on the other by a

tempeſtuous

tempeſtuous ſea, ſo that it ſeems to have been deſigned by Providence for the moſt ſecure, as well as the moſt beautiful, region of the Eaſt *.

Its principal cities are *Sanaa*, uſually conſidered as its metropolis; *Zebîd*, a commercial town, that lies in a large plain near the ſea of *Omman*; and *Aden*, ſurrounded with pleaſant gardens and woods, which is ſituated eleven degrees from the *Equator*, and ſeventy-ſix from the *Fortunate Iſlands*, or *Canaries*, where the geographers of *Aſia* fix their firſt meridian. It is obſervable that *Aden*, in the Eaſtern dialects, is preciſely the ſame word with *Eden*, which we apply to the garden of paradiſe: it has two ſenſes, according to a ſlight difference in its pronunciation; its firſt meaning is *a ſettled abode*, its ſecond, *delight*, *ſoftneſs*, or *tranquillity*: the word *Eden* had, probably, one of theſe ſenſes in the ſacred text, though we uſe it as a proper name. We may alſo obſerve in this place that *Yemen* itſelf takes its name from a word, which ſignifies *verdure*, and *felicity*; for in thoſe ſultry climates, the freſhneſs of the ſhade, and the coolneſs of water, are ideas almoſt inſeparable from that of happineſs; and this may be a reaſon why moſt of the *Oriental* nations agree in a tradition concerning a delightful ſpot, where the firſt inhabitants of the earth were placed before their fall. The ancients, who gave the name of *Eudaimon*, or *Happy*, to this country, either meaned to tranſlate the word *Yemen*, or, more probably, only alluded to the valuable ſpice-trees, and balſamick plants, that grow in it, and,

* I am at a loſs to conceive, what induced the illuſtrious Prince *Cantemir* to contend, that *Yemen* is properly a part of *India*; for, not to mention *Ptolemy*, and the other ancients, who conſidered it as a province of *Arabia*, nor to inſiſt on the language of the country, which is pure *Arabick*, it is deſcribed by the *Aſiaticks* themſelves as a large diviſion of that peninſula which they call *Jezeiratul Arab*; and there is no more reaſon for annexing it to *India*, becauſe the ſea, which waſhes one ſide of it, is looked upon by ſome writers as belonging to the great *Indian* ocean, than there would be for annexing it to *Perſia*, becauſe it is bounded on another ſide by the *Perſian* gulf.

without

without ſpeaking poetically, give a real perfume to the air *: now it is certain that all poetry receives a very conſiderable ornament from the beauty of natural images; as the roſes of *Sharon*, the verdure of *Carmel*, the vines of *Engaddi*, and the dew of *Hermon*, are the ſources of many pleaſing metaphors and compariſons in the ſacred poetry: thus the odours of *Yemen*, the muſk of *Hadramut*, and the pearls of *Omman*, ſupply the *Arabian* poets with a great variety of alluſions; and, if the remark of *Hermogenes* be juſt, that whatever is *delightful to the ſenſes* produces the *Beautiful* when it is deſcribed, where can we find ſo much beauty as in the *Eaſtern* poems, which turn chiefly upon the lovelieſt objects in nature?

To purſue this topick yet farther: it is an obſervation of *Demetrius* of *Phalera*, in his elegant treatiſe upon ſtyle, that it is not eaſy to write on agreeable ſubjects in a diſagreeable manner, and that beautiful *expreſſions* naturally riſe with beautiful images; *for which reaſon*, ſays he, *nothing can be more pleaſing than Sappho's poetry, which contains the deſcription of gardens, and banquets, flowers and fruits, fountains and meadows, nightingales and turtle-doves, loves and graces:* thus, when ſhe ſpeaks of *a ſtream ſoftly murmuring among the branches, and the Zephyrs playing through the leaves, with a ſound, that brings on a quiet ſlumber*, her lines flow without labour as ſmoothly as the rivulet ſhe deſcribes. I may have altered the words of *Demetrius*, as I quote them by memory, but this is the general ſenſe of his remark, which, if it be not rather ſpecious than juſt, muſt induce us to think, that the poets of the *Eaſt* may vie with thoſe of *Europe* in *the graces of their diction*, as well as in the livelineſs of their images: but we muſt not believe that the *Arabian*

* The writer of an old hiſtory of the *Turkiſh Empire* ſays, "*The air of Egypt ſometimes in ſummer is* "*like any ſweet perfume, and almoſt ſuffocates the ſpirits, cauſed by the wind that brings the odours of the* "*Arabian ſpices.*"

poetry can pleaſe only by its deſcriptions of *beauty*; ſince the gloomy and terrible objects, which produce the *ſublime*, when they are aptly deſcribed, are no where more common than in the *Deſert* and *Stony Arabia's*; and, indeed, we ſee nothing ſo frequently painted by the poets of thoſe countries, as wolves and lions, precipices and foreſts, rocks and wilderneſſes.

If we allow the natural objects, with which the *Arabs* are perpetually converſant, to be *ſublime*, and *beautiful*, our next ſtep muſt be, to confeſs that their compariſons, metaphors, and allegories are ſo likewiſe; for an allegory is a ſtring of metaphors, a metaphor is a ſhort ſimile, and the fineſt ſimilies are drawn from natural objects. It is true that many of the *Eaſtern* figures are common to other nations, but ſome of them receive a propriety from the manners of the *Arabians*, who dwell in the plains and woods, which would be loſt, if they came from the inhabitants of cities: thus *the dew of liberality*, and the *odour of reputation*, are metaphors uſed by moſt people; but they are wonderfully proper in the mouths of thoſe, who have ſo much need of being refreſhed by *the dews*, and who gratify their ſenſe of ſmelling with the *ſweeteſt odours* in the world. Again; it is very uſual in all countries, to make frequent alluſions to the brightneſs of the celeſtial luminaries, which give their light to all; but the metaphors taken from them have an additional beauty, if we conſider them as made by a nation, who paſs moſt of their nights in the open air, or in tents, and conſequently ſee the moon and ſtars in their greateſt ſplendour. This way of conſidering their poetical figures will give many of them a grace, which they would not have in our languages: ſo, when they compare *the foreheads of their miſtreſſes to the morning, their locks to the night, their faces to the ſun, to the moon, or the bloſſoms of jaſmine, their cheeks to roſes or ripe fruit, their teeth to pearls, hail-ſtones, and ſnow-drops, their eyes to the flowers of the narciſſus, their curled hair to black ſcorpions, and to hyacinths, their lips to rubies or wine, the*

the form of their breaſts to pomegranates, and the colour of them to ſnow, their ſhape to that of a pine-tree, and their ſtature to that of a cypreſs, a palm-tree, or a javelin, &c. † theſe compariſons, many of which would ſeem forced in our idioms, have undoubtedly a great delicacy in theirs, and affect their minds in a peculiar manner; yet upon the whole their ſimilies are very juſt and ſtriking, as that of *the blue eyes of a fine woman, bathed in tears, to violets dropping with dew* ‡, and that of *a warriour, advancing at the head of his army, to an eagle ſailing through the air, and piercing the clouds with his wings.*

Theſe are not the only advantages, which the natives of *Arabia* enjoy above the inhabitants of moſt other countries: they preſerve to this day the manners and cuſtoms of their anceſtors, who, by their own account, were ſettled in the province of *Yemen* above three thouſand years ago; they have never been wholly ſubdued by any nation; and though the admiral of *Selim the Firſt* made a deſcent on their coaſt, and exacted a tribute from the people of *Aden*, yet the *Arabians* only keep up a ſhow

† See *Noweiri,* cited by the very learned *Reiſke.*

فشبهوا الجبين بالصباح والشعور بالليالي والوجه بالشمس والقمر
وشبهوا الخدود بالورد والتفاح وشبهوا الثغور بالاقحوان والعيون
بالنرجس واللمم بالعقارب &c.

‡ See the *Arabick* Miſcellany, entitled *Shecardán*, ch. 14.

قال ابن الرومي
رايت البنفسج في روضة
واحداقه للندا شاهرة *
يحاكي بها الزهر زرق العيون
واجفانها بالبكا قاطره *

of

of allegiance to the Sultan, and act, on every important occasion, in open defiance of his power, relying on the swiftness of their horses, and the vast extent of their forests, in which an invading enemy must soon perish: but here I must be understood to speak of those *Arabians*, who, like the old *Nomades*, dwell constantly in their tents, and remove from place to place according to the seasons; for the inhabitants of the cities, who traffick with the merchants of Europe in spices, perfumes, and coffee, must have lost a great deal of their ancient simplicity: the others have, certainly, retained it; and, except when their tribes are engaged in war, spend their days in watching their flocks and camels, or in repeating their native songs, which they pour out almost extempore, professing a contempt for the stately pillars, and solemn buildings of the cities, compared with the natural charms of the country, and the coolness of their tents: thus they pass their lives in the highest pleasure, of which they have any conception, in the contemplation of the most delightful objects, and in the enjoyment of perpetual spring; for we may apply to part of *Arabia* that elegant couplet of *Waller* in his poem of the *Summer-island*,

> The gentle spring, that but salutes us here,
> Inhabits there, and courts them all the year.

Yet the heat of the sun, which must be very intense in a climate so near the Line, is tempered by the shade of the trees, that overhang the valleys, and by a number of fresh streams, that flow down the mountains. Hence it is, that almost all their notions of *felicity* are taken from *freshness* and *verdure*: it is a maxim among them that the three most charming objects in nature are, * *a green meadow, a clear rivulet, and a beautiful*

* See the life of *Tamerlane*, published by *Golius*, page 299.

الماء والخضرة والوجه الحسن

woman,

woman, and that the view of thefe objects at the fame time affords the greateft delight imaginable. *Mahomed* was fo well acquainted with the maxim of his countrymen, that he defcribed the pleafures of heaven to them, under the allegory of *cool fountains*, *green bowers*, *and black-eyed girls*, as the word *Houri* literally fignifies in *Arabick*; and in the chapter of the *Morning*, towards the end of his *Alcoran*, he mentions a garden, called *Irem*, which is no lefs celebrated by the *Afiatick* poets than that of the *Hefperides* by the *Greeks*: it was planted, as the commentators fay, by a king, named *Shedad*, and was once feen by an *Arabian*, who wandered very far into the deferts in fearch of a loft camel: it was, probably, a name invented by the impoftor, as a type of a future ftate of happinefs. Now it is certain that the genius of every nation is not a little affected by their climate; for, whether it be that the immoderate heat difpofes the *Eaftern* people to a life of indolence, which gives them full leifure to cultivate their talents, or whether the fun has a real influence on the imagination (as one would fuppofe that the Ancients believed, by their making *Apollo* the god of poetry); whatever be the caufe, it has always been remarked, that the *Afiaticks* excel the inhabitants of our colder regions in the livelinefs of their fancy, and the richnefs of their invention.

To carry this fubject one ftep farther: as the *Arabians* are fuch admirers of *beauty*, and as they enjoy fuch eafe and leifure, they muft naturally be fufceptible of *that paffion*, which is the true fpring and fource of agreeable poetry; and we find, indeed, that *love* has a greater fhare in their poems than any other paffion: it feems to be always uppermoft in their minds, and there is hardly an elegy, a panegyrick, or even a fatire, in their language, which does not begin with the complaints of an unfortunate, or the exultations of a fuccefsful, lover. It fometimes happens, that the young men of one tribe are in love with the damfels of another; and, as the tents are frequently removed on a fudden, the lovers

lovers are often ſeparated in the progreſs of the courtſhip: hence almoſt all the *Arabick* poems open in this manner; the author bewails the ſudden departure of his miſtreſs, Hinda, Maia, Zeineb, or Azza, and deſcribes her beauty, comparing her to a wanton fawn, that plays among the aromatick ſhrubs; his friends endeavour to comfort him, but he refuſes conſolation; he declares his reſolution of viſiting his beloved, though the way to her tribe lie through a dreadful wilderneſs, or even through a den of lions; here he commonly gives a deſcription of the horſe or camel, upon which he deſigns to go, and thence paſſes, by an eaſy tranſition, to the principal ſubject of his poem, whether it be the praiſe of his own tribe, or a ſatire on the timidity of his friends, who refuſe to attend him in his expedition; though very frequently the piece turns wholly upon love. But it is not ſufficient that a nation have a genius for poetry, unleſs they have the advantage of a rich and beautiful language, that their expreſſions may be worthy of their ſentiments; the *Arabians* have this advantage alſo in a high degree: their language is expreſſive, ſtrong, ſonorous, and the moſt copious, perhaps, in the world; for, as almoſt every tribe had many words appropriated to itſelf, the poets, for the convenience of their meaſure, or ſometimes for their ſingular beauty, made uſe of them all, and, as the poems became popular, theſe words were by degrees incorporated with the whole language, like a number of little ſtreams, which meet together in one channel, and, forming a moſt plentiful river, flow rapidly into the ſea.

If this way of arguing *à priori* be admitted in the preſent caſe (and no ſingle man has a right to infer the merit of the *Eaſtern* poetry from the poems themſelves, becauſe no ſingle man has a privilege of judging for all the reſt), if the foregoing argument have any weight, we muſt conclude that the *Arabians*, being perpetually converſant with the moſt beautiful objects, ſpending a calm and agreeable life in a fine climate, being extremely addicted to the ſofter paſſions, and having the advantage

of

of a language ſingularly adapted to poetry, muſt be naturally excellent poets, provided that their *manners* and *cuſtoms* be favourable to the cultivation of that art; and that they are highly ſo, it will not be difficult to prove.

The fondneſs of the *Arabians* for poetry, and the reſpect which they ſhow to poets, would be ſcarce believed, if we were not aſſured of it by writers of great authority: the principal occaſions of rejoicing among them, were formerly, and, very probably, are to this day, the birth of a boy, the foaling of a mare, the arrival of a gueſt, and the riſe of a poet in their tribe: when a young *Arabian* has compoſed a good poem, all the neighbours pay their compliments to his family, and congratulate them upon having a relation capable of recording their actions, and of recommending their virtues to poſterity. At the beginning of the ſeventh century, the *Arabick* language was brought to a high degree of perfection by a ſort of poetical Academy, that uſed to aſſemble at ſtated times, in a place called *Ocadh*, where every poet produced his beſt compoſition, and was ſure to meet with the applauſe that it deſerved: the moſt excellent of theſe poems were tranſcribed in characters of gold upon *Egyptian* paper, and hung up in the temple, whence they were named *Modhahebat*, or *Golden*, and *Moallakat*, or *Suſpended*: the poems of this ſort were called *Caſſeida's* or *eclogues*, * ſeven of which are preſerved in our libraries, and are conſidered as the fineſt that were written before the time of *Mahomed*. The fourth of them, compoſed by *Lebid*, is purely paſtoral, and extremely like the *Alexis* of *Virgil*, but far more beautiful, becauſe it is more agreeable to nature: the poet begins with praiſing the charms of the fair *Novāra* (a word, which in *Arabick*

* Theſe ſeven poems, clearly tranſcribed with explanatory notes, are among *Pocock*'s manuſcripts at *Oxford*, No. 164: the names of the ſeven poets are *Amralkeis*, *Tarafa*, *Zoheir*, *Lebid*, *Antara*, *Amru*, and *Hareth*. In the ſame collection, No. 174, there is a manuſcript, containing above forty other poems, which had the honour of being ſuſpended in the temple at *Mecca*: this volume is an ineſtimable treaſure of ancient *Arabick* literature.

ſignifies

ſignifies *a timorous fawn)* but inveighs againſt her unkindneſs; he then interweaves a deſcription of his young camel, which he compares for its ſwiftneſs to a ſtag purſued by the hounds; and takes occaſion afrerwards to mention his own riches, accompliſhments, liberality, and valour, his noble birth, and the glory of his tribe: the diction of this poem is eaſy and ſimple, yet elegant, the numbers flowing and muſical, and the ſentiments wonderfully natural; as the learned reader will ſee by the following paſſage, which I ſhall attempt to imitate in verſe, that the merit of the poet may not be wholly loſt in a verbal tranſlation:

But ah! thou know'ſt not in what youthful play
Our nights, beguil'd with pleaſure, ſwam away;
Gay ſongs, and cheerful tales, deceiv'd the time,
And circling goblets made a tuneful chime;
Sweet was the draught, and ſweet the blooming maid,
Who touch'd her lyre beneath the fragrant ſhade;
We ſip'd till morning purpled ev'ry plain;
The damſels ſlumber'd, but we ſip'd again:
The waking birds, that ſung on ev'ry tree
Their early notes, were not ſo blithe as we.*

* In *Arabick.*

بل انت لا تدرين كم من ليلة
طلق لذيذ لهوها وندامها
قد بتّ سامرها وغاية تاجر
وافيت ان رفعت وعزّ مدامها
بصبوح صافية وجذب كرينة
بهواتر تاتا له معاً ابهامها
باكرت حاجتها الدجاج بسحرة
لاعل منها حين هبّ نيامها

The

The *Mahomedan* writers tell a ſtory of this poet, which deſerves to be mentioned here: it was a cuſtom, it ſeems, among the old *Arabians*, for the moſt eminent verſifiers to hang up ſome choſen couplets on the gate of the temple, as a publick challenge to their brethren, who ſtrove to anſwer them before the next meeting at *Ocadh*, at which time the whole aſſembly uſed to determine the merit of them all, and gave ſome mark of diſtinction to the author of the fineſt verſes. Now *Lebid*, who, we are told, had been a violent oppoſer of *Mahomed*, fixed a poem on the gate, beginning with the following diſtich, in which he apparently meaned to reflect upon the new religion: *Are not all things vain, which come not from God? and will not all honours decay, but thoſe, which He confers* * ? Theſe lines appeared ſo ſublime, that none of the poets ventured to anſwer them; till *Mahomed*, who was himſelf a poet, having compoſed a new chapter of his *Alcoran* (the ſecond, I think), placed the opening of it by the ſide of *Lebid*'s poem, who no ſooner read it, than he declared it to be ſomething divine, confeſſed his own inferiority, tore his verſes from the gate, and embraced the religion of his rival; to whom he was afterwards extremely uſeful in replying to the ſatires of *Amralkeis*, who was continually attacking the doctrine of *Mahomed*: the *Aſiaticks* add, that their lawgiver acknowledged ſome time after, that no heathen poet had ever produced a nobler diſtich than that of *Lebid* juſt quoted.

There are a few other collections of ancient *Arabick* poetry; but the moſt famous of them is called *Hamáſa*, and contains a number of *epigrams*, *odes*, and *elegies*, compoſed on various occaſions: it was compiled

* In *Arabick*,

الا كل شئ ما خلا الله باطل
وكل نعيم لا محاله زايل

 by

by *Abu Temam*, who was an excellent poet himſelf, and uſed to ſay, that *fine ſentiments delivered in proſe were like gems ſcattered at random, but that, when they were confined in a poetical meaſure, they reſembled bracelets and ſtrings of pearls* *. When the religion and language of *Mahomed* were ſpread over the greater part of *Aſia*, and the maritime countries of *Africa*, it became a faſhion for the poets of *Perſia*, *Syria*, *Egypt*, *Mauritania*, and even of *Tartary*, to write in *Arabick*; and the moſt beautiful verſes in that idiom, compoſed by the brighteſt genius's of thoſe nations, are to be ſeen in a large miſcellany, entitled *Yateima*; though many of their works are tranſcribed ſeparately: it will be needleſs to ſay much on the poetry of the *Syrians*, *Tartarians*, and *Africans*, ſince moſt of the arguments, before uſed in favour of the *Arabs*, have equal weight with reſpect to the other *Mahomedans*, who have done little more than imitate their ſtyle, and adopt their expreſſions; for which reaſon alſo I ſhall dwell the ſhorter time on the genius and manners of the *Perſians*, *Turks*, and *Indians*.

The great empire, which we call *PERSIA*, is known to its natives by the name of *Iran*; ſince the word *Perſia* belongs only to a particular province, the ancient *Perſis*, and is very improperly applied by us to the whole kingdom: but, in compliance with the cuſtom of our geographers, I ſhall give the name of *Perſia* to that celebrated country, which lies on one ſide between the *Caſpian* and *Indian* ſeas, and extends on the other from the mountains of *Candahar*, or *Paropamiſus*, to the conflu-

* In *Arabick*,

انّ القوافي والمساعي لم تزل
مثل النظام اذا اصاب فريدًا
هي جوهر نثر فانّ الفته
فالشعر صار قلايدا وعقودًا

ence

ence of the rivers *Cyrus* and *Araxes*, containing about twenty degrees from ſouth to north, and rather more from eaſt to weſt.

In ſo vaſt a tract of land there muſt needs be a great variety of climates: the ſouthern provinces are no leſs unhealthy and ſultry, than thoſe of the north are rude and unpleaſant; but in the interior parts of the empire the air is mild and temperate, and, from the beginning of May to September, there is ſcarce a cloud to be ſeen in the ſky: the remarkable calmneſs of the ſummer nights, and the wonderful ſplendour of the moon and ſtars in that country, often tempt the *Perſians* to ſleep on the tops of their houſes, which are generally flat, where they cannot but obſerve the figures of the conſtellations, and the various appearances of the heavens; and this may in ſome meaſure account for the perpetual alluſions of their poets, and rhetoricians, to the beauty of the heavenly bodies. We are apt to cenſure the oriental ſtyle for being ſo full of metaphors taken from the ſun and moon: this is aſcribed by ſome to the bad taſte of the *Aſiaticks*; *the works of the Perſians*, ſays *M. de Voltaire*, *are like the titles of their kings*, *in which the ſun and moon are often introduced*: but they do not reflect, that every nation has a ſet of images, and expreſſions, peculiar to itſelf, which ariſe from the difference of its climate, manners, and hiſtory. There ſeems to be another reaſon for the frequent alluſions of the *Perſians* to the ſun, which may, perhaps, be traced from the old language and popular religion of their country: thus *Mihridâd*, or *Mithridates*, ſignifies *the gift of the ſun*, and anſwers to the *Theodorus* and *Diodati* of other nations. As to the titles of the *Eaſtern* monarchs, which ſeem, indeed, very extravagant to our ears, they are merely formal, and no leſs void of meaning than thoſe of *European* princes, in which *ſerenity* and *highneſs* are often attributed to the moſt *gloomy*, and *low-minded* of men.

The midland provinces of *Perſia* abound in fruits and flowers of almoſt every kind, and, with proper culture, might be made the garden of

of *Aſia:* they are not watered, indeed, by any conſiderable river, ſince the *Tigris* and *Euphrates*, the *Cyrus* and *Araxes*, the *Oxus*, and the five branches of the *Indus*, are at the fartheſt limits of the kingdom; but the natives, who have a turn for agriculture, ſupply that defect by artificial canals, which ſufficiently temper the dryneſs of the ſoil; but in ſaying they *ſupply* that defect, I am falling into a common error, and repreſenting the country, not as it *is* at preſent, but as it *was* a century ago; for a long ſeries of civil wars and maſſacres have now deſtroyed the chief beauties of *Perſia*, by ſtripping it of its moſt induſtrious inhabitants.

The ſame difference of climate, that affects the air and ſoil of this extenſive country, gives a variety alſo to the perſons and temper of its natives: in ſome provinces they have dark complexions, and harſh features; in others they are exquiſitely fair, and well made; in ſome others, nervous and robuſt: but the general character of the nation is that *ſoftneſs*, and *love of pleaſure*, that *indolence*, and *effeminacy*, which have made them an eaſy prey to all the weſtern and northern ſwarms, that have from time to time invaded them. Yet they are not wholly void of martial ſpirit; and, if they are not naturally brave, they are at leaſt extremely docile, and might, with proper diſcipline, be made excellent ſoldiers: but the greater part of them, in the ſhort intervals of peace that they happen to enjoy, conſtantly ſink into a ſtate of inactivity, and paſs their lives in a pleaſurable, yet ſtudious, retirement; and this may be one reaſon, why *Perſia* has produced more writers of every kind, and chiefly *poets*, than all *Europe* together, ſince their way of life gives them leiſure to purſue thoſe arts, which cannot be cultivated to advantage, without the greateſt calmneſs and ſerenity of mind. There is a manuſcript at *Oxford* *, containing *the lives of an hundred and thirty-*

* In Hyperoo Bodl. 128. There is a prefatory diſcourſe to this curious work, which compriſes the lives of ten *Arabian* poets.

five

five of the fineſt Perſian poets, moſt of whom left very ample collections of their poems behind them: but the verſifiers, and *moderate poets*, if *Horace* will allow any ſuch men to exiſt, are without number in *Perſia*.

This delicacy of their lives and ſentiments has inſenſibly affected their language, and rendered it the ſofteſt, as it is one of the richeſt, in the world: it is not poſſible to convince the reader of this truth, by quoting a paſſage from a *Perſian* poet in *European* characters; ſince the ſweetneſs of ſound cannot be determined by the ſight, and many words, which are ſoft and muſical in the mouth of a *Perſian*, may appear harſh to our eyes, with a number of conſonants and gutturals: it may not, however, be abſurd to ſet down in this place, an Ode of the poet *Hafez*, which, if it be not ſufficient to prove the delicacy of his language, will at leaſt ſhow the livelineſs of his poetry:

Ai bad nesîmi yârdari,
Zan neſheï muſhcbâr dari:
Zinhar mecun diraz-deſti!
Ba turreï o che câr dari?
Ai gul, to cujá wa ruyi zeibaſh.
O taza, wa to kharbâr dari.
Nerkes, to cujâ wa cheſhmi meſteſh?
O ſerkhoſh, wa to khumâr dari.
Ai ſeru, to ba kaddi bulendeſh,
Der bagh che iytebâr dari?
Ai akl, to ba wujûdi iſhkeſh
Der deſt che ikhtiyâr dari?
Rihan, to cujâ wa khatti ſebzeſh?
O muſhc, wa to ghubâr dari.
Ruzi bures bewaſli Hafiz,
Gher takati yntizâr dari.

That

That is, word for word, *O ſweet gale, thou beareſt the fragrant ſcent of my beloved; thence it is that thou haſt this muſky odour. Beware! do not ſteal: what haſt thou to do with her treſſes? O roſe, what art thou, to be compared with her bright face? She is freſh, and thou art rough with thorns. O narciſſus, what art thou in compariſon of her languiſhing eye? Her eye is only ſleepy, but thou art ſick and faint. O pine, compared with her graceful ſtature, what honour haſt thou in the garden? O wiſdom, what wouldſt thou chooſe, if to chooſe were in thy power, in preference to her love? O ſweet baſil, what art thou, to be compared with her freſh cheeks? They are perfect muſk, but thou art ſoon withered. Come, my beloved, and charm Hafez with thy preſence, if thou canſt but ſtay with him for a ſingle day.* This little ſong is not unlike a ſonnet aſcribed to *Shakeſpeare*, which deſerves to be cited here, as a proof that the Eaſtern imagery is not ſo different from the *European* as we are apt to imagine.

The forward violet thus did I chide:
" Sweet thief! whence didſt thou ſteal thy ſweet that ſmells,
" If not from my love's breath? The purple pride,
" Which on thy ſoft cheek for complexion dwells,
" In my love's veins thou haſt too groſsly dyed."
The lily I condemned for thy hand,
And buds of marjoram had ſtol'n thy hair;
The roſes fearfully on thorns did ſtand,
One bluſhing ſhame, another white deſpair;
A third, nor red, nor white had ſtol'n of both,
And to his robb'ry had annex'd thy breath;
But for his theft, in pride of all his growth,
A vengeful canker eat him up to death.
More flow'rs I noted, yet I none could ſee,
But ſcent or colour it had ſtol'n from thee.

Shakeſpeare's Poems, p. 207.

The

The *Perſian* ſtyle is ſaid to be ridiculouſly bombaſt, and this fault is imputed to the ſlaviſh ſpirit of the nation, which is ever apt to magnify the objects that are placed above it: there are bad writers, to be ſure, in every country, and as many in *Aſia* as elſewhere; but if we take the pains to learn the *Perſian* language, we ſhall find that thoſe authors, who are generally eſteemed in *Perſia*, are neither ſlaviſh in their ſentiments, nor ridiculous in their expreſſions: of which the following paſſage in a moral work of *Sadi*, entitled *Boſtán*, or, *The Garden*, will be a ſufficient proof. *I have heard that king Nuſhirvan, juſt before his death, ſpoke thus to his ſon Hormuz: Be a guardian, my ſon, to the poor and helpleſs; and be not confined in the chains of thy own indolence. No one can be at eaſe in thy dominion, while thou ſeekeſt only thy private reſt, and ſayeſt, It is enough. A wiſe man will not approve the ſhepherd, who ſleeps, while the wolf is in the fold. Go, my ſon, protect thy weak and indigent people; ſince through them is a king raiſed to the diadem. The people are the root, and the king is the tree that grows from it; and the tree, O my ſon, derives its ſtrength from the root *.*

Are

* شنیدم که در وقت نزع روان
بهرمز چنین کفت نوشیروان
که خاطر نکهدار درویش باش
نه در بند اسایش خویش باش
نیاساید اندر دیار تو کس
چو اسایش خویش خواهي وبس
نیاید بنزدیک دانا پسند
شبان خفته وکرک در کوسفند
برو پاس درویش محتاج دار
که شاه از رعیت بود تاجدار

رعیت

Are theſe mean ſentiments, delivered in pompous language? Are they not rather worthy of our moſt ſpirited writers? And do they not convey a fine leſſon for a young king? Yet *Sadi*'s poems are highly eſteemed at *Conſtantinople*, and at *Iſpahan*; though, a century or two ago, they would have been ſuppreſſed in *Europe*, for ſpreading with too ſtrong a glare the light of liberty and reaſon.

As to the great Epick poem of *Ferduſi*, which was compoſed in the tenth century, it would require a very long treatiſe, to explain all its beauties with a minute exactneſs. The whole collection of that poet's works is called *Shahnâma*, and contains the hiſtory of *Perſia*, from the earlieſt times to the invaſion of the *Arabs*, in a ſeries of very noble poems; the longeſt and moſt regular of which is an heroick poem of one great and intereſting action, namely, *the delivery of Perſia by Cyrus* from the oppreſſions of *Afraſiab*, king of the *Tranſoxan Tartary*, who being aſſiſted by the emperors of *India* and *China*, together with all the dæmons, giants, and enchanters of *Aſia*, had carried his conqueſts very far, and become exceedingly formidable to the *Perſians*. This poem is longer than the *Iliad*; the characters in it are various and ſtriking; the figures bold and animated; and the diction every where ſonorous, yet noble; poliſhed, yet full of fire. A great profuſion of learning has been thrown away by ſome criticks, in comparing *Homer* with the heroick poets, who have ſucceeded him; but it requires very little judgment to ſee, that no ſucceeding poet whatever can with any propriety be compared with *Homer*: that great father of the *Grecian* poetry and literature, had a genius too fruitful and comprehenſive to let any of the ſtriking parts of nature eſcape his obſervation; and the poets, who

رعيت چو بيخست وسلطان درخت
درخت اي پسر باشد از بيخ سخت

have

have followed him, have done little more than tranſcribe his images, and give a new dreſs to his thoughts. Whatever elegance and refinements, therefore, may have been introduced into the works of the moderns, the ſpirit and invention of *Homer* have ever continued without a rival: for which reaſons I am far from pretending to aſſert that the poet of *Perſia* is equal to that of *Greece*; but there is certainly a very great reſemblance between the works of thoſe extraordinary men: both drew their images from nature herſelf, without catching them only by reflection, and painting, in the manner of the modern poets, *the likeneſs of a likeneſs*; and both poſſeſſed, in an eminent degree, *that rich and creative invention, which is the very ſoul of poetry*.

As the *Perſians* borrowed their poetical meaſures, and the forms of their poems from the *Arabians*, ſo the *TURKS*, when they had carried their arms into *Meſopotamia* and *Aſſyria*, took their numbers and their taſte for poetry from the *Perſians*;

> *Græcia* capta ferum victorem cepit, et artes
> Intulit agreſti *Latio*.

In the ſame manner as the *Greek* compoſitions were the models of all the *Roman* writers, ſo were thoſe of *Perſia* imitated by the *Turks*, who conſiderably poliſhed and enriched their language, naturally barren, by the number of ſimple and compound words, which they adopted from the *Perſian* and *Arabick*. Lady *Wortley Montague* very juſtly obſerves, that *we want thoſe compound words, which are very frequent and ſtrong in the Turkiſh language*; but her interpreters led her into a miſtake in explaining one of them, which ſhe tranſlates *ſtag-eyed*, and thinks *a very lively image of the fire and indifference in the eyes of the royal bride:* now it never entered into the mind of an *Aſiatick* to compare his miſtreſs's eyes to thoſe of a ſtag, or to give an image of their *fire and indifference*;

 the

the *Turks* mean to expreſs that *fullneſs*, and, at the ſame time, that *ſoft and languiſhing luſtre*, which is peculiar to the eyes of their beautiful women, and which by no means reſembles the unpleaſing wildneſs in thoſe of a ſtag. The original epithet, I ſuppoſe, was * *Ahû cheſhm*, or, *with the eyes of a young fawn:* now I take the *Ahû* to be the ſame animal with the *Gazâl* of the *Arabians*, and the *Zabi* of the *Hebrews*, to which their poets allude in almoſt every page. I have ſeen one of theſe animals; it is a kind of antelope, exquiſitely beautiful, with eyes uncommonly black and large. This is the ſame ſort of roe, to which *Solomon* alludes in this delicate ſimile: *Thy two breaſts are like two young roes, that are twins, which play among the lilies.*

A very polite ſcholar, who has lately tranſlated ſixteen Odes of *Hafiz*, with learned illuſtrations, blames the *Turkiſh* poets for copying the *Perſians* too ſervilely: but, ſurely, they are not more blameable than *Horace*, who not only imitated the meaſures and expreſſions of the *Greeks*, but even tranſlated, almoſt word for word, the brighteſt paſſages of *Alcæus*, *Anacreon*, and others; he took leſs from *Pindar* than from the reſt, becauſe the wildneſs of his numbers, and the obſcurity of his alluſions, were by no means ſuitable to the genius of the *Latin* language: and this may, perhaps, explain his ode to *Julius Antonius*, who might have adviſed him to uſe more of *Pindar*'s manner in celebrating the victories of *Auguſtus*. Whatever we may think of this objection, it is certain that the *Turkiſh* empire has produced a great number of poets; ſome of whom had no ſmall merit in their way: the ingenious author juſt mentioned aſſured me, that the *Turkiſh* ſatires of *Rubi Bagdadi* were very forcible and ſtriking, and he mentioned the

* This epithet ſeems to anſwer to the *Greek* ἑλικῶπις, which our grammarians properly interpret *Quæ nigris oculis decora eſt et venuſta:* if it were permitted to make any innovations in a dead language, we might expreſs the *Turkiſh* adjective by the word δορκῶπις, which would, I dare ſay, have ſounded agreeably to the *Greeks* themſelves.

opening

opening of one of them, which feemed not unlike the manner of *Juvenal*. At the beginning of the laft century, a work was publifhed at *Conftantinople*, containing the fineft verfes of *five hundred and forty-nine Turkifh poets*, which proves at leaft that they are fingularly fond of this art, whatever may be our opinion of their fuccefs in it.

The defcendants of *Tamerlane* carried into *India* the language and poetry of the *Perfians*; and the *Indian* poets to this day compofe their verfes in imitation of them. The beft of their works, that have paffed through my hands, are thofe of *Huzein*, who lived fome years ago at *Benáres*, with a great reputation for his parts and learning, and was known to the *Englifh*, who refided there, by the name of *the Philofopher*. His poems are elegant and lively, and one of them, *on the departure of his friends*, would fuit our language admirably well, but it is too long to be inferted in this effay. The *Indians* are foft and voluptuous, but artful and infincere, at leaft to the *Europeans*, whom, to fay the truth, they have had no great reafon of late years to admire for the oppofite virtues: but they are fond of poetry, which they learned from the *Perfians*, and may, perhaps, before the clofe of the century, be as fond of a more formidable art, which they will learn from the *Englifh*.

I muft requeft, that, in beftowing thefe praifes on the writings of *Afia*, I may not be thought to derogate from the merit of the *Greek* and *Latin* poems, which have juftly been admired in every age; yet I cannot but think that our *European* poetry has fubfifted too long on the perpetual repetition of the fame images, and inceffant allufions to the fame fables: and it has been my endeavour for feveral years to inculcate this truth, that, if the principal writings of the *Afiaticks*, which are repofited in our publick libraries, were printed with the ufual advantage of notes and illuftrations, and if the languages of the *Eaftern* nations were ftudied in our great feminaries of learning, where every other

branch

branch of uſeful knowledge is taught to perfection, a new and ample field would be opened for ſpeculation; we ſhould have a more extenſive inſight into the hiſtory of the human mind; we ſhould be furniſhed with a new ſet of images and ſimilitudes; and a number of excellent compoſitions would be brought to light, which future ſcholars might explain, and future poets might imitate.

ESSAY

ON

THE ARTS, COMMONLY CALLED IMITATIVE.

IT is the fate of thoſe maxims, which have been thrown out by very eminent writers, to be received implicitly by moſt of their followers, and to be repeated a thouſand times, for no other reaſon, than becauſe they once dropped from the pen of a ſuperior genius: one of theſe is the aſſertion of *Ariſtotle*, that *all poetry conſiſts in imitation*, which has been ſo frequently echoed from author to author, that it would ſeem a kind of arrogance to controvert it; for almoſt all the philoſophers and criticks, who have written upon the ſubject of *poetry*, *muſick*, and *painting*, how little ſoever they may agree in ſome points, ſeem of one mind in conſidering them as arts merely *imitative:* yet it muſt be clear to any one, who examines what paſſes in his own mind, that he is affected by the fineſt *poems*, *pieces of muſick*, and *pictures*, upon a principle, which, whatever it be, is entirely diſtinct from *imitation*. *M. le Batteux* has attempted to prove that all the fine arts have a relation to this common principle of *imitating:* but, whatever be ſaid of *painting*, it is probable, that *poetry* and *muſick* had a nobler origin; and, if the firſt language of man was not both *poetical* and *muſical*, it is certain, at leaſt, that in countries, where no kind of *imitation* ſeems to be much admired, there are *poets* and *muſicians* both by nature and by art: as in ſome *Mahometan* nations;

nations; where *ſculpture* and *painting* are forbidden by the laws, where *dramatick poetry* of every ſort is wholly unknown, yet, where the pleaſing arts, *of expreſſing the paſſions in verſe, and of enforcing that expreſſion by melody*, are cultivated to a degree of enthuſiaſm. It ſhall be my endeavour in this paper to prove, that, though *poetry* and *muſick* have, certainly, a power of *imitating* the manners of men, and ſeveral objects in nature, yet, that their greateſt effect is not produced by *imitation*, but by a very different principle; which muſt be ſought for in the deepeſt receſſes of the human mind.

To ſtate the queſtion properly, we muſt have a clear notion of what we mean by *poetry* and *muſick*; but we cannot give a preciſe definition of them, till we have made a few previous remarks on their origin, their relation to each other, and their difference.

It ſeems probable then that *poetry* was originally no more than a ſtrong, and animated expreſſion of the human paſſions, of *joy* and *grief*, *love* and *hate*, *admiration* and *anger*, ſometimes pure and unmixed, ſometimes variouſly modified and combined: for, if we obſerve the *voice* and *accents* of a perſon affected by any of the violent paſſions, we ſhall perceive ſomething in them very nearly approaching to *cadence* and *meaſure*; which is remarkably the caſe in the language of a vehement *Orator*, whoſe talent is chiefly converſant about *praiſe* or *cenſure*; and we may collect from ſeveral paſſages in *Tully*, that the fine ſpeakers of old *Greece* and *Rome* had a ſort of rhythm in their ſentences, leſs regular, but not leſs melodious, than that of the poets.

If this idea be juſt, one would ſuppoſe that the moſt ancient ſort of poetry conſiſted in *praiſing the Deity*; for if we conceive a being, created with all his faculties and ſenſes, endued with ſpeech and reaſon, to open his eyes in a moſt delightful plain, to view for the firſt time the ſerenity

of

of the ſky, the ſplendour of the ſun, the verdure of the fields and woods, the glowing colours of the flowers, we can hardly believe it poſſible, that he ſhould refrain from burſting into an extaſy of *joy*, and pouring his praiſes to the creator of thoſe wonders, and the author of his happineſs. This *kind of poetry* is uſed in all nations; but as it is the ſublimeſt of all, when it is applied to its true object, ſo it has often been perverted to impious purpoſes by pagans and idolatres: every one knows that the *dramatick poetry* of the *Europeans* took its riſe from the ſame ſpring, and was no more at firſt than a ſong in praiſe of *Bacchus*; ſo that the only ſpecies of poetical compoſition (if we except the Epick), which can in any ſenſe be called *imitative*, was deduced from a natural emotion of the mind, in which *imitation* could not be at all concerned.

The next ſource of poetry was, probably, *love*, or the mutual inclination, which naturally ſubſiſts between the ſexes, and is founded upon perſonal *beauty:* hence aroſe the moſt agreeable *odes*, and love-ſongs, which we admire in the works of the ancient lyrick poets, not filled, like our *ſonnets* and *madrigals*, with the inſipid babble of *darts*, and *Cupids*, but ſimple, tender, natural; and conſiſting of ſuch unaffected endearments, and mild complaints,

* Teneri ſdegni, e placide e tranquille
Repulſe, e cari vezzi, e liete paci,

as we may ſuppoſe to have paſſed between the firſt lovers in a ſtate of innocence, before the refinements of ſociety, and the reſtraints, which they introduced, had made the paſſion of *love* ſo fierce, and impetuous, as it is ſaid to have been in *Dido*, and certainly was in *Sappho*, if we may take her own word for it †.

* Two lines of *Taſſo*.
† See the ode of *Sappho* quoted by *Longinus*, and tranſlated by *Boileau*.

The

The *grief*, which the firſt inhabitants of the earth muſt have felt at the death of their deareſt friends, and relations, gave riſe to another ſpecies of poetry, which originally, perhaps, conſiſted of ſhort *dirges*, and was afterwards lengthened into *elegies*.

As ſoon as vice began to prevail in the world, it was natural for the wiſe and virtuous to expreſs their *deteſtation* of it in the ſtrongeſt manner, and to ſhow their *reſentment* againſt the corrupters of mankind: hence *moral poetry* was derived, which, at firſt, we find, was ſevere and paſſionate; but was gradually melted down into cool precepts of morality, or exhortations to virtue: we may reaſonably conjecture that *Epick poetry* had the ſame origin, and that the examples of heroes and kings were introduced, to illuſtrate ſome moral truth, by ſhowing the lovelineſs and advantages of virtue, or the many misfortunes that flow from vice.

Where there is vice, which is *deteſtable* in itſelf, there muſt be *hate*, ſince *the ſtrongeſt antipathy in nature*, as *Mr. Pope* aſſerted in his writings, and proved by his whole life, *ſubſiſts between the good and the bad:* now this paſſion was the ſource of that poetry, which we call *Satire*, very improperly, and corruptly, ſince the *Satire* of the *Romans* was no more than a moral piece, which they entitled *Satura* or *Satyra* *, intimating, that the poem, like *a diſh of fruit and corn offered to Ceres*, contained a variety and plenty of fancies and figures; whereas the true *invectives* of the ancients were called *Iambi*, of which we have ſeveral examples in *Catullus*, and in the *Epodes* of *Horace*, who imitated the very meaſures and manner of *Archilochus*.

Theſe are the principal ſources of *poetry*; and of *muſick* alſo, as it ſhall be my endeavour to ſhow: but it is firſt neceſſary to ſay a few

* Some Latin words were ſpelled either with an *u* or a *y*, as *Sulla* or *Sylla*.

words

words on *the nature of ſound*; a very copious ſubject, which would require a long diſſertation to be accurately diſcuſſed. Without entering into a diſcourſe on the *vibrations of chords*, or *the undulations of the air*, it will be ſufficient for our purpoſe to obſerve that there is a great difference between *a common ſound*, and *a muſical ſound*, which conſiſts chiefly in this, that the former is ſimple and entire in itſelf like a *point*, while the latter is always accompanied with other ſounds, without ceaſing to be *one*; like a *circle*, which is an entire figure, though it is generated by a multitude of points flowing, at equal diſtances, round a common centre. Theſe acceſſory ſounds, which are cauſed by the aliquots of a ſonorous body vibrating at once, are called *Harmonicks*, and the whole ſyſtem of modern *Harmony* depends upon them; though it were eaſy to prove that the ſyſtem is unnatural, and only made tolerable to the ear by habit: for whenever we ſtrike the perfect accord on a harpſichord or an organ, the harmonicks of the third and fifth have alſo their own harmonicks, which are diſſonant from the principal note: Theſe horrid diſſonances are, indeed, almoſt overpowered by the *natural harmonicks* of the principal chord, but that does not prove them agreeable. Since nature has given us a delightful harmony of her own, why ſhould we deſtroy it by the additions of art? It is like thinking

——— to paint the lily,
And add a perfume to the violet.

Now let us conceive that ſome vehement paſſion is expreſſed in ſtrong words, exactly meaſured, and pronounced, *in a common voice*, in juſt cadence, and with proper accents, ſuch an expreſſion of the paſſion will be *genuine poetry*; and the famous ode of *Sappho* is allowed to be ſo in the ſtricteſt ſenſe: but if the ſame ode, with all it natural accents, were expreſſed in a *muſical voice* (that is, in ſounds accompanied with their *Harmonicks)*, if it were ſung in due time and meaſure, in a ſimple and pleaſing

pleaſing tune, that added force to the words without ſtifling them, it would then be *pure and original muſick*; not merely ſoothing to the ear, but affecting to the heart; not an *imitation* of nature, but the voice of nature herſelf. But there is another point in which *muſick* muſt reſemble *poetry*, or it will loſe a conſiderable part of its effect: we all muſt have obſerved, that a ſpeaker, agitated with paſſion, or an actor, who is, indeed, ſtrictly an *imitator*, are perpetually changing the tone and pitch of their voice, as the ſenſe of their words varies: it may be worth while to examine how this variation is expreſſed in *muſick*. Every body knows that the muſical ſcale conſiſts of ſeven notes, above which we find a ſucceſſion of ſimilar ſounds repeated in the ſame order, and above that, other ſucceſſions, as far as they can be continued by the human voice, or diſtinguiſhed by the human ear: now each of theſe ſeven ſounds has no more meaning, when it is heard ſeparately, than a ſingle letter of the alphabet would have; and it is only by their ſucceſſion, and their relation to one principal ſound, that they take any rank in the ſcale; or differ from each other, except as they are *graver*, or more *acute:* but in the regular ſcale each interval aſſumes a proper character, and every note ſtands related to the firſt or principal one by various proportions. Now *a ſeries of ſounds relating to one leading note* is called a *mode*, or a *tone*, and, as there are twelve ſemitones in the ſcale, each of which may be made in its turn the leader of a mode, it follows that there are twelve modes; and each of them has a peculiar character, ariſing from the poſition of the *modal* note, and from ſome minute difference in the ratio's, as of 81 to 80, or a comma; for there are ſome intervals, which cannot eaſily be rendered on our inſtruments, yet have a ſurprizing effect in *modulation*, or in the tranſitions from one mode to another.

The *modes* of the ancients are ſaid to have had a wonderful effect over the mind; and *Plato*, who permits the *Dorian* in his imaginary republick,

lick, on account of its calmneſs and gravity, excludes the *Lydian*, becauſe of its languid, tender, and effeminate character: not that any ſeries of mere ſounds has a power of raiſing or ſoothing the paſſions, but each of theſe modes was appropriated to a particular kind of poetry, and a particular inſtrument; and the chief of them, as the *Dorian*, *Phrygian*, *Lydian*, *Ionian*, *Eolian*, *Locrian*, belonging originally to the nations, from which they took their names: thus the *Phrygian mode*, which was ardent and impetuous, was uſually accompanied with trumpets, and the *Mixolydian*, which, if we believe *Ariſtoxenus*, was invented by *Sappho*, was probably confined to the pathetick and tragick ſtyle: that theſe modes had a relation to *poetry*, as well as to *muſick*, appears from a fragment of *Laſus*, in which he ſays, *I ſing of Ceres, and her daughter Melibœa, the conſort of Pluto, in the Eolian mode, full of gravity*; and *Pindar* calls one of his *Odes* an *Eolian ſong*. If the *Greeks* ſurpaſſed us in the ſtrength of their modulations, we have an advantage over them in our *minor ſcale*, which ſupplies us with twelve new modes, where the two ſemitones are removed from their natural poſition between the third and fourth, the ſeventh and eighth notes, and placed between the ſecond and third, the fifth and ſixth; this change of the ſemitones, by giving a minor third to the *modal* note, ſoftens the general expreſſion of the mode, and adapts it admirably to ſubjects of *grief* and *affliction*: the minor mode of D is tender, that of C, with three flats, plaintive, and that of F, with four, pathetick and mournful to the higheſt degree, for which reaſon it was choſen by the excellent *Pergoleſi* in his *Stabat Mater*. Now theſe twenty-four modes, artfully interwoven, and changed as often as the ſentiment changes, may, it is evident, expreſs all the variations in the voice of a ſpeaker, and give an additional beauty to the accents of a poet. Conſiſtently with the foregoing principles, we may define *original and native poetry* to be *the language of the violent paſſions, expreſſed in exact meaſure, with ſtrong accents and ſignificant words*; and *true muſick* to be no more than *poetry*, *delivered in a ſucceſſion of harmonious*

nious ſounds, ſo diſpoſed as to pleaſe the ear. It is in this view only that we muſt conſider the muſick of the ancient *Greeks*, or attempt to account for its amazing effects, which we find related by the graveſt hiſtorians, and philoſophers; it was wholly paſſionate or deſcriptive, and ſo cloſely united to poetry, that it never obſtructed, but always increaſed its influence; whereas our boaſted harmony, with all its fine accords, and numerous parts, paints nothing, expreſſes nothing, ſays nothing to the heart, and conſequently can only give more or leſs pleaſure to one of our ſenſes; and no reaſonable man will ſeriouſly prefer a tranſitory pleaſure, which muſt ſoon end in ſatiety, or even in diſguſt, to a delight of the ſoul, ariſing from ſympathy, and founded on the natural paſſions, always lively, always intereſting, always tranſporting. The old diviſions of muſick into *celeſtial* and *earthly*, *divine* and *human*, *active* and *contemplative*, *intellective* and *oratorial*, were founded rather upon metaphors, and chimerical analogies, than upon any real diſtinctions in nature; but the want of making a diſtinction between *muſick of mere ſounds*, and the *muſick of the paſſions*, has been the perpetual ſource of confuſion and contradictions both among the ancients and the moderns: nothing can be more oppoſite in many points than the ſyſtems of *Rameau* and *Tartini*, one of whom aſſerts that melody ſprings from harmony, and the other deduces harmony from melody; and both are in the right, if the firſt ſpeaks only of that muſick, which took its riſe from *the multiplicity of ſounds heard at once in the ſonorous body*, and the ſecond, of that, which roſe from *the accents and inflexions of the human voice, animated by the paſſions:* to decide, as *Rouſſeau* ſays, whether of theſe two ſchools ought to have the preference, we need only aſk a plain queſtion, Was the voice made for the inſtruments, or the inſtruments for the voice?

In defining what true poetry *ought to be*, according to our principles, we have deſcribed what it really *was* among the *Hebrews*, the *Greeks* and *Romans*, the *Arabs* and *Perſians*. The lamentation of *David*, and his

his ſacred odes, or pſalms, the ſong of *Solomon*, the prophecies of *Iſaiah*, *Jeremiah*, and the other inſpired writers, are truly and ſtrictly poetical; but what did *David* or *Solomon* imitate in their divine poems? A man, who is *really* joyful or afflicted, cannot be ſaid to *imitate* joy or affliction. The lyrick verſes of *Alcæus*, *Alcman*, and *Ibycus*, the hymns of *Callimachus*, the elegy of *Moſchus* on the death of *Bion*, are all beautiful pieces of poetry; yet *Alcæus* was no *imitator* of love, *Callimachus* was no *imitator* of religious awe and admiration, *Moſchus* was no *imitator* of grief at the loſs of an amiable friend. *Ariſtotle* himſelf wrote a very poetical elegy on the death of a man, whom he had loved; but it would be difficult to ſay what he imitated in it: "*O virtue, who propoſeſt many* "*labours to the human race, and art ſtill the alluring object of our life; for* "*thy charms, O beautiful goddeſs, it was always an envied happineſs in* "*Greece even to die, and to ſuffer the moſt painful, the moſt afflicting evils:* "*ſuch are the immortal fruits, which thou raiſeſt in our minds; fruits,* "*more precious than gold, more ſweet than the love of parents, and ſoft re-* "*poſe: for thee Hercules the ſon of Jove, and the twins of Leda, ſuſtained* "*many labours, and by their illuſtrious actions ſought thy favour; for love* "*of thee, Achilles and Ajax deſcended to the manſion of Pluto; and,* "*through a zeal for thy charms, the prince of Atarnea alſo was deprived* "*of the ſun's light: therefore ſhall the muſes, daughters of memory, render* "*him immortal for his glorious deeds, whenever they ſing the god of hoſpita-* "*lity, and the honours due to a laſting friendſhip.*"

In the preceding collection of poems, there are ſome *Eaſtern* fables, ſome *odes*, a *panegyrick*, and an *elegy*; yet it does not appear to me, that there is the leaſt *imitation* in either of them: *Petrarch* was, certainly, too deeply affected with real *grief*, and the *Perſian* poet was too ſincere a lover, to *imitate* the paſſions of others. As to the reſt, a fable in verſe is no more an *imitation* than a fable in proſe; and if every poetical narrative, which deſcribes the manners, and relates the adventures of men, be

be called *imitative*, every romance, and even every hiſtory, muſt be called ſo likewiſe; ſince many poems are only *romances*, or parts of *hiſtory*, told in a regular meaſure.

What has been ſaid of *poetry*, may with equal force be applied to *muſick*, which is *poetry*, dreſſed to advantage; and even to *painting*, many ſorts of which are poems to the eye, as all poems, merely deſcriptive, are pictures to the ear: and this way of conſidering them, will ſet the refinements of modern artiſts in their true light; for the *paſſions*, which were given by nature, never ſpoke in an unnatural form, and no man, truly affected with *love* or *grief*, ever expreſſed the one in an *acroſtick*, or the other in a *fugue*: theſe remains, therefore, of the falſe taſte, which prevailed in the dark ages, ſhould be baniſhed from this, which is enlightened with a juſt one.

It is true, that ſome kinds of painting are ſtrictly *imitative*, as that which is ſolely intended to repreſent the human figure and countenance; but it will be found, that thoſe pictures have always the greateſt effect, which repreſent ſome *paſſion*, as the martyrdom of *St. Agnes* by *Domenichino*, and the various repreſentations of the *Crucifixion* by the fineſt maſters of *Italy*; and there can be no doubt, but that the famous *ſacrifice of Iphigenia* by *Timanthes* was affecting to the higheſt degree; which proves, not that painting cannot be ſaid to *imitate*, but that its moſt powerful influence over the mind ariſes, like that of the other arts, from *ſympathy*.

It is aſſerted alſo that *deſcriptive* poetry, and *deſcriptive* muſick, as they are called, are ſtrict *imitations*; but, not to inſiſt that mere *deſcription* is the meaneſt part of both arts, if indeed it belongs to them at all, it is clear, that words and ſounds have no kind of reſemblance to viſible objects: and what is an imitation, but a reſemblance of ſome other thing?

thing? Befides, no unprejudiced hearer will fay that he finds the fmalleft traces of imitation in the numerous *fugues*, *counterfugues*, and *divifions*, which rather difgrace than adorn the modern mufick: even founds themfelves are imperfectly imitated by harmony, and, if we fometimes hear *the murmuring of a brook*, or *the chirping of birds* in a concert, we are generally apprifed before-hand of the paffages, where we may expect them. Some eminent muficians, indeed, have been abfurd enough to think of imitating laughter and other noifes, but, if they had fucceeded, they could not have made amends for their want of tafte in attempting it; for fuch ridiculous imitations muft neceffarily deftroy the fpirit and dignity of the fineft poems, which they ought to illuftrate by a graceful and natural melody. It feems to me, that, as thofe parts of *poetry*, *mufick*, and *painting*, which relate to the paffions, affect by *fympathy*, fo thofe, which are merely defcriptive, act by a kind of *fubftitution*, that is, by raifing in our minds, affections, or fentiments, analogous to thofe, which arife in us, when the refpective objects in nature are prefented to our fenfes. Let us fuppofe that a poet, a mufician, and a painter, are ftriving to give their friend, or patron, a pleafure fimilar to that, which he feels at the fight of a beautiful profpect. The firft will form an agreeable affemblage of lively images, which he will exprefs in fmooth and elegant verfes of a fprightly meafure; he will defcribe the moft delightful objects, and will add to the graces of his defcription a certain delicacy of fentiment, and a fpirit of cheerfulnefs. The mufician, who undertakes to fet the words of the poet, will felect fome mode, which, on his violin, has the character of mirth and gaiety, as the Eolian, or *E flat*, which he will change as the fentiment is varied: he will exprefs the words in a fimple and agreeable melody, which will not difguife, but embellifh them, without aiming at any fugue, or figured harmony: he will ufe the bafs, to mark the modulation more ftrongly, efpecially in the changes; and he will place the *tenour* generally in unifon with the bafs, to prevent too great a diftance between the parts: in the fymphony he

he will, above all things, avoid a *double melody*, and will apply his variations only to ſome acceſſory ideas, which the principal part, that is, the voice, could not eaſily expreſs: he will not make a number of uſeleſs repetitions, becauſe the *paſſions* only repeat the ſame expreſſions, and dwell upon the ſame ſentiments, while *deſcription* can only repreſent a ſingle object by a ſingle ſentence. The painter will deſcribe all viſible objects more exactly than his rivals, but he will fall ſhort of the other artiſts in a very material circumſtance; namely, that his pencil, which may, indeed, expreſs a ſimple paſſion, cannot paint a thought, or draw the ſhades of ſentiment: he will, however, finiſh his landſcape with grace and elegance; his colours will be rich, and glowing; his perſpective ſtriking; and his figures will be diſpoſed with an agreeable variety, but not with confuſion: above all, he will diffuſe over his whole piece ſuch a ſpirit of livelineſs and feſtivity, that the beholder ſhall be ſeized with a kind of rapturous delight, and, for a moment, miſtake art for nature.

Thus will each artiſt gain his end, not by *imitating* the works of nature, but by aſſuming her power, and cauſing the ſame effect upon the imagination, which her charms produce to the ſenſes: this muſt be the chief object of a poet, a muſician, and a painter, who know that *great effects are not produced by minute details, but by the general ſpirit of the whole piece, and that a gaudy compoſition may ſtrike the mind for a ſhort time, but that the beauties of ſimplicity are both more delightful, and more permanent.*

As the *paſſions* are differently modified in different men, and as even the various objects in nature affect our minds in various degrees, it is obvious, that there muſt be a great diverſity in the pleaſure, which we receive from the fine arts, whether that pleaſure ariſes from *ſympathy*, or *ſubſtitution*; and that it were a wild notion in artiſts to think of pleaſ-

ing

ing every reader, hearer, or beholder; ſince every man has a particular ſet of objects, and a particular inclination, which direct him in the choice of his pleaſures, and induce him to conſider the productions, both of nature and of art, as more or leſs elegant, in proportion as they give him a greater or ſmaller degree of delight: this does not at all contradict the opinion of many able writers, that *there is one uniform ſtandard of taſte*; ſince the *paſſions*, and, conſequently, *ſympathy*, are generally the ſame in all men, till they are weakened by age, infirmity, or other cauſes.

If the arguments, uſed in this eſſay, have any weight, it will appear, that the fineſt parts of poetry, muſick, and painting, are expreſſive of the *paſſions*, and operate on our minds by *ſympathy*; that the inferior parts of them are *deſcriptive* of natural *objects*, and affect us chiefly by *ſubſtitution*; that the expreſſions of *love*, *pity*, *deſire*, and the *tender* paſſions, as well as the *deſcriptions* of objects that delight the ſenſes, produce in the arts what we call the *beautiful*; but that *hate*, *anger*, *fear*, and the *terrible* paſſions, as well as objects, which are *unpleaſing* to the ſenſes, are productive of the *ſublime*, when they are aptly expreſſed, or deſcribed.

Theſe ſubjects might be purſued to infinity; but, if they were amply diſcuſſed, it would be neceſſary to write a ſeries of diſſertations, inſtead of an eſſay.

THE MUSE RECALLED,

AN ODE

ON THE NUPTIALS

OF

LORD VISCOUNT ALTHORP

AND

MISS LAVINIA BINGHAM,

ELDEST DAUGHTER OF CHARLES LORD LUCAN,

MARCH VI, MDCCLXXXI.

THE MUSE RECALLED,

AN ODE.

RETURN, celeſtial Muſe,
By whoſe bright fingers o'er my infant head,
Lull'd with immortal ſymphony, were ſpread
Freſh bays and flow'rets of a thouſand hues;
Return! thy golden lyre,
Chorded with ſunny rays of temper'd fire,
Which in Aſtræa's fane I fondly hung,
Bold I reclaim: but ah, ſweet maid,
Bereft of thy propitious aid
My voice is tuneleſs, and my harp unſtrung.
In vain I call . . . What charm, what potent ſpell
Shall kindle into life the long-unwaken'd ſhell?

Haſte! the well-wrought * baſket bring,
Which two ſiſter Graces wove,
When the third, whoſe praiſe I ſing,
Bluſhing ſought the bridal grove,
Where the ſlow-deſcending ſun
Gilt the bow'rs of WIMBLEDON.
In the vaſe myſterious fling
Pinks and roſes gemm'd with dew,

* Miſs Louiſa Bingham, and Miſs Frances Moleſworth her couſin, decked a baſket with ribbands and flowers to hold the nuptial preſents.

Flow'rs

Flow'rs of ev'ry varied hue,
Daughters fair of early ſpring,
Laughing ſweet with ſapphire eyes,
Or with Iris' mingled dyes:
Then around the baſket go,
Tripping light with ſilent pace,
While, with ſolemn voice and ſlow
Thrice pronouncing, thrice I trace
On the ſilken texture bright,
Character'd in beamy light,
Names of more than mortal pow'r,
Sweeteſt influence to diffuſe;
Names, that from her ſhadieſt bow'r
Draw the ſoft reluctant muſe.

First, I with living gems enchaſe
The name of Her, whom for this feſtive day
With zone and mantle elegantly gay
The Graces have adorn'd, herſelf a Grace,
Molesworth . . . hark! a ſwelling note
Seems on Zephyr's wing to float,
Or has vain hope my flatter'd ſenſe beguil'd?
Next Her, who braided many a flow'r
To deck her ſiſter's nuptial bow'r,
Bingham, with gentle heart and aſpect mild:
The charm prevails . . . I hear, I hear
Strains nearer yet, and yet more near.
Still, ye nymphs and youths, advance,
Sprinkle ſtill the balmy ſhow'r,
Mingle ſtill the mazy dance.
Two names of unreſiſted pow'r,

Behold,

Behold, in radiant characters I write:
O riſe! O leave thy ſecret ſhrine,
For they, who all thy nymphal train outſhine,
DUNCANNON *, heav'nly Muſe, and DEVONSHIRE † invite.

Saw ye not yon myrtle wave?
Heard ye not a warbled ſtrain?
Yes! the harp, which Clio gave,
Shall his ancient ſound regain.
One dearer name remains. Prepare, prepare!
She comes . . . how ſwift th' impatient air
Drinks the riſing accent ſweet!
Soon the charm ſhall be complete.
Return, and wake the ſilent ſtring;
Return, ſweet Muſe, for ALTHORP bids me ſing.
'Tis ſhe . . . and, as ſhe ſmiles, the breathing lyre
Leaps from his ſilken bands, and darts ethereal fire.

Bright ſon of ev'ning, lucid ſtar,
Auſpicious riſe thy ſoften'd beam,
Admir'd ere Cynthia's pearly car
O'er heav'n's pure azure ſpreads her gleam:
Thou ſaw'ſt the blooming pair,
Like thee ſerenely fair,
By love united and the nuptial vow,
Thou ſeeſt the mirthful train
Dance to th' unlabour'd ſtrain,

* Lady Henrietta Spencer, ſecond daughter of John earl Spencer, and wife of the lord viſcount Duncannon, eldeſt ſon of the earl of Beſborough.

† Lady Georgiana, eldeſt daughter of earl Spencer, and wife of William Cavendiſh, fifth duke of Devonſhire.

Seeſt

Seeſt bound with myrtle ev'ry youthful brow.
Shine forth, ye ſilver eyes of night,
And gaze on virtues crown'd with treaſures of delight.

And thou, the golden-treſſed child of morn,
Whene'er thy all-inſpiring heat
Bids burſting roſe-buds hill and mead adorn,
See them with ev'ry gift that Jove beſtows,
With ev'ry joy replete,
Save, when they melt at ſight of human woes.
Flow ſmoothly, circling hours,
And o'er their heads unblended pleaſure pour;
Nor let your fleeting round
Their mortal tranſports bound,
But fill their cup of bliſs, eternal pow'rs,
Till time himſelf ſhall ceaſe, and ſuns ſhall blaze no more.

Each morn, reclin'd on many a roſe,
Lavinia's * pencil ſhall diſcloſe
New forms of dignity and grace,
Th' expreſſive air, th' impaſſion'd face,
The curled ſmile, the bubbling tear,
The bloom of hope, the ſnow of fear,
To ſome poetick tale freſh beauty give,
And bid the ſtarting tablet riſe and live;
Or with ſwift fingers ſhall ſhe touch the ſtrings.
And in the magick loom of harmony
Notes of ſuch wond'rous texture weave,

* Lady Althorp has an extraordinary talent for drawing hiſtorick ſubjects, and expreſſing the paſſions in the moſt ſimple manner.

As

As lifts the ſoul on ſeraph wings,
Which, as they ſoar above the jaſper ſky,
Below them ſuns unknown and worlds unnumber'd leave.

While thou, by liſt'ning crowds approv'd,
Lov'd by the Muſe and by the poet lov'd,
ALTHORP, ſhouldſt emulate the fame
Of Roman patriots and th' Athenian name;
Shouldſt charm with full perſuaſive eloquence,
With all thy * mother's grace, and all thy father's ſenſe,
Th' applauding ſenate; whilſt, above thy head,
Exulting Liberty ſhould ſmile,
Then, bidding dragon-born Contention ceaſe,
Should knit the dance with meek-ey'd Peace,
And by thy voice impell'd ſhould ſpread
An univerſal joy around her cheriſh'd iſle.
But ah! thy publick virtues, youth, are vain
In this voluptuous, this abandon'd age,
When Albion's ſons with frantick rage,
In crimes alone and recreant baſeneſs bold,
Freedom and Concord, with their weeping train,
Repudiate; ſlaves of vice, and ſlaves of gold!
They, on ſtarry pinions ſailing
Through the cryſtal fields of air,
Mourn their efforts unavailing,
Loſt perſuaſions, fruitleſs care:
Truth, Juſtice, Reaſon, Valour, with them fly
To ſeek a purer ſoil, a more congenial ſky.

* Georgiana Poyntz counteſs Spencer.

Beyond the vaſt Atlantick deep
A dome by viewleſs genii ſhall be rais'd,
The walls of adamant compact and ſteep,
The portals with ſky-tinctur'd gems emblazed:
There on a lofty throne ſhall Virtue ſtand;
To her the youth of Delaware ſhall kneel;
And, when her ſmiles rain plenty o'er the land,
Bow, tyrants, bow beneath th' avenging ſteel!
Commerce with fleets ſhall mock the waves,
And Arts, that flouriſh not with ſlaves,
Dancing with ev'ry Grace and ev'ry Muſe,
Shall bid the valleys laugh and heav'nly beams diffuſe.
She ceaſes; and a ſtrange delight
Still vibrates on my raviſh'd ear:
What floods of glory drown my ſight!
What ſcenes I view! What ſounds I hear!
This for my friend . . . but, gentle nymphs, no more
Dare I with ſpells divine the Muſe recall:
Then, fatal harp, thy tranſient rapture o'er,
Calm I replace thee on the ſacred wall.
Ah, ſee how lifeleſs hangs the lyre,
Not lightning now, but glitt'ring wire!
Me to the brawling bar and wrangles high
Bright-hair'd Sabrina calls and roſy-boſom'd Wye.

AN

AN

ODE

IN IMITATION OF

ALCÆUS.

Οὐ λίθοι, ἐδὲ ξύλα, ἐδὲ
Τέχνη τεκ]όνων αἱ πόλεις εἴσιν,
Ἀλλ᾽ ὅπῄ ποτ᾽ ἂν ὦσιν ΑΝΔΡΕΣ
Αὑτὲς σώζειν εἰδότες,
Ἐν]αῦθα τείχη καὶ πόλεις.

ALC. quoted by ARISTIDES.

WHAT conſtitutes a State?
Not high-rais'd battlement or labour'd mound,
Thick wall or moated gate;
Not cities proud with ſpires and turrets crown'd;
Not bays and broad-arm'd ports,
Where, laughing at the ſtorm, rich navies ride,
Not ſtarr'd and ſpangled courts,
Where low-brow'd baſeneſs wafts perfume to pride.

No:—

No :—MEN, high-minded MEN,
With pow'rs as far above dull brutes endued
In foreſt, brake, or den,
As beaſts excel cold rocks and brambles rude ;
Men, who their *duties* know,
But know their *rights*, and, knowing, dare maintain,
Prevent the long-aim'd blow,
And cruſh the tyrant while they rend the chain :
Theſe conſtitute a State,
And ſov'reign LAW, *that ſtate's collected will*,
O'er thrones and globes elate
Sits Empreſs, crowning good, repreſſing ill ;
Smit by her ſacred frown
The fiend *Diſcretion* like a vapour ſinks,
And e'en th' all-dazzling *Crown*
Hides his faint rays, and at her bidding ſhrinks.
Such *was* this heav'n-lov'd iſle,
Than *Leſbos* fairer and the *Cretan* ſhore !
No more ſhall Freedom ſmile ?
Shall *Britons* languiſh, and be MEN no more ?
Since all muſt life reſign,
Thoſe ſweet rewards, which decorate the brave,
'Tis folly to decline,
And ſteal inglorious to the ſilent grave.

Abergavenny,
March 31, 1781.

AN

AN

ODE

IN IMITATION OF

CALLISTRATUS.

Ἐν μύρτου κλαδὶ τὸ ξίφος φορήσω,
Ὥσπερ Ἁρμόδιος κ' Ἀριστογείτων,
Ὅτε τὸν τύραννον κτανέτην
Ἰσονόμους τ' Ἀθήνας ἐποιησάτην.

κ. τ. λ.

Quòd si post *Idûs* illas *Martias* è *Tyrannoctonis* quispiam *tale aliquod carmen* plebi tradidisset, inque *Suburram* et fori circulos et in ora vulgi intulisset, actum profectò fuisset de partibus deque dominatione *Cæsarum*; plus mehercule valuisset unum Ἁρμοδίου μέλος quàm *Ciceronis Philippicæ* omnes.

LOWTH *De Sacrâ Poesi*, Præl. I.

VERDANT myrtle's branchy pride
Shall my biting falchion wreathe:
Soon shall grace each manly side
Tubes that speak and points that breathe.

Thus,

Thus, *Harmodius*, ſhone thy blade!
Thus, *Ariſtogiton*, thine!
Whoſe, when BRITAIN ſighs for aid,
Whoſe ſhall now delay to ſhine?
Deareſt youths, in iſlands bleſt,
Not, like recreant idlers, dead,
You with fleet *Pelides* reſt,
And with godlike *Diomed*.
Verdant myrtle's branchy pride
Shall my thirſty blade intwine:
Such, *Harmodius*, deck'd thy ſide!
Such, *Ariſtogiton*, thine!
They the baſe *Hipparchus* ſlew
At the feaſt for *Pallas* crown'd:
Gods! how ſwift their poniards flew!
How the monſter ting'd the ground!
Then in *Athens* all was Peace,
Equal Laws and Liberty:
Nurſe of Arts, and eye of *Greece*!
People valiant, firm, and free!
Not leſs glorious was thy deed,
Wentworth, fix'd in Virtue's cauſe;
Not leſs brilliant be thy meed,
Lenox, friend to *Equal Laws*!
High in Freedom's temple rais'd,
See *Fitz Maurice* beaming ſtand,
For collected Virtues prais'd,
Wiſdom's voice, and Valour's hand!
Ne'er ſhall fate their eyelids cloſe:
They, in blooming regions bleſt,
With *Harmodius* ſhall repoſe,
With *Ariſtogiton* reſt.

Nobleſt

Nobleſt Chiefs, a Hero's crown
Let th' *Athenian* patriots claim :
You leſs fiercely won renown ;
You aſſum'd a milder name.
They thro' blood for glory ſtrove,
You more bliſsful tidings bring ;
They to death a *Tyrant* drove,
You to fame *reſtor'd* a KING.
Riſe, BRITANNIA, dauntleſs riſe !
Cheer'd with triple Harmony,
Monarch good, and *Nobles* wiſe,
People valiant, firm, and FREE !

May 14, 1782.

THE

PRINCIPLES OF GOVERNMENT,

IN

A DIALOGUE

BETWEEN

A GENTLEMAN AND A FARMER.

ADVERTISEMENT.

A SHORT defence hath been thought neceſſary, againſt a violent and groundleſs attack upon the FLINTSHIRE COMMITTEE, for having *teſtified* their approbation of the following Dialogue, which hath been publickly branded with the moſt injurious epithets; and it is conceived, that the ſure way, to vindicate this little Tract from ſo unjuſt a character, will be as publickly to produce it. —— The friends of the Revolution will inſtantly ſee, that it contains no principle, which has not the ſupport of the higheſt authority, as well as the cleareſt reaſon.

If the doctrines which it ſlightly touches, in a manner ſuited to the nature of the Dialogue, be "ſeditious, treaſonable, and diabolical," Lord *Somers* was an incendiary, *Locke* a traitor, and the *Convention-parliament* a pandæmonium; but, if thoſe names are the glory and boaſt of *England*, and if that convention ſecured our liberty and happineſs, then the doctrines in queſtion are not only *juſt* and *rational* but *conſtitutional* and *ſalutary*; and the reproachful epithets belong wholly to the ſyſtem of thoſe, who ſo groſsly miſapplied them.

THE

PRINCIPLES OF GOVERNMENT.

F. WHY ſhould humble men, like me, ſign or ſet marks to petitions of this nature? It is better for us Farmers to mind our huſbandry, and leave what we cannot comprehend to the King and Parliament.

G. You can comprehend more than you imagine; and, as a *free member of a free ſtate*, have higher things to mind than you may conceive.

F. If by *free* you mean *out of priſon*, I hope to continue ſo, as long as I can pay my rent to the 'ſquire's bailiff; but what is meant by a *free ſtate?*

G. Tell me firſt what is meant by a club in the village, of which I know you to be a member.

F. It is an aſſembly of men, who meet after work every Saturday to be merry and happy for a few hours in the week.

G. Have you no other object but mirth?

F. Yes; we have a box, into which we contribute equally from our monthly or weekly ſavings, and out of which any members of the club are to be relieved in ſickneſs or poverty; for the pariſh officers are ſo cruel and inſolent, that it were better to ſtarve than apply to them for relief.

G. Did they, or the 'ſquire, or the parſon, or all together, compel you to form this ſociety?

F. Oh!

F. Oh! no—we could not be compelled; we formed it by our own choice.

G. You did right——But have you not ſome head or preſident of your club?

F. The maſter for each night is choſen by all the company preſent the week before.

G. Does he make laws to bind you in caſe of ill temper or miſbehaviour?

F. He make laws! He bind us! No; we have all agreed to a ſet of equal rules, which are ſigned by every new comer, and were written in a ſtrange hand by young *Spelman*, the lawyer's clerk, whoſe uncle is a member.

G. What ſhould you do, if any one member were to inſiſt on becoming *perpetual* maſter, and on altering your rules at his arbitrary will and pleaſure?

F. We ſhould expel him.

G. What, if he were to bring a ſerjeant's guard, when the militia are quartered in your neighbourhood, and inſiſt upon your obeying him?

F. We ſhould reſiſt, if we could; if not, the ſociety would be broken up.

G. Suppoſe that, with his ſerjeant's guard, he were to take the money out of the box or out of your pockets?

F. Would not that be a robbery?

G. I am ſeeking information from you. How ſhould you act on ſuch an occaſion?

F. We ſhould ſubmit, perhaps, at that time; but ſhould afterwards try to apprehend the robbers.

G. What, if you could not apprehend them?

F. We might kill them, I ſhould think; and, if the King would not pardon us, God would.

G. How could you either apprehend them, or, if they reſiſted, kill them, without a ſufficient force in your own hands?

F. Oh!

F. Oh! we are all good players at ſingle ſtick, and each of us has a ſtout cudgel or quarter-ſtaff in the corner of his room.

G. Suppoſe that a few of the club were to domineer over the reſt, and inſiſt upon making laws for them——

F. We muſt take the ſame courſe; except that it would be eaſier to reſtrain one man, than a number; but we ſhould be the majority with juſtice on our ſide.

G. A word or two on another head. Some of you, I preſume, are no great accountants.

F. Few of us underſtand accounts; but we truſt old *Lilly* the ſchool-maſter, whom we believe to be an honeſt man; and he keeps the key of our box.

G. If your money ſhould in time amount to a large ſum, it might not perhaps be ſafe, to keep it at his houſe or in any private houſe.

F. Where elſe ſhould we keep it?

G. You might chuſe to put it into the funds, or to lend it the 'ſquire, who has loſt ſo much lately at *Newmarket*, taking his bond or ſome of his fields as your ſecurity for payment with intereſt.

F. We muſt in that caſe confide in young *Spelman*, who will ſoon ſet up for himſelf, and, if a lawyer can be honeſt, will be an honeſt lawyer.

G. What power do you give to *Lilly*, or ſhould you give to *Spelman* in the caſe ſuppoſed?

F. No power. We ſhould give them both a due allowance for their trouble, and ſhould expect a faithful account of all they had done for us.

G. Honeſt men may change their nature. What, if both or either of them were to deceive you.

F. We ſhould remove them, put our truſt in better men, and try to repair our loſs.

G. Did it never occur to you, that every ſtate or nation was only a great *club?*

F. Nothing ever occurred to me on the ſubject; for I never thought about it.

G. Though

G. Though you never thought before on the ſubject, yet you may be able to tell me, why you ſuppoſe men to have aſſembled, and to have formed *nations*, *communities*, or *ſtates*, which all mean the ſame thing.

F. In order, I ſhould imagine, to be as happy as they can, while they live.

G. By *happy* do you mean *merry* only?

F. To be as merry as they can without hurting themſelves or their neighbours, but chiefly to ſecure themſelves from danger, and to relieve their wants.

G. Do you believe, that any King or Emperor compelled them ſo to aſſociate?

F. How could one man compel a multitude? A King or an Emperor, I preſume, is not born with a hundred hands.

G. When a prince of the blood ſhall in any country be ſo diſtinguiſhed by nature, I ſhall then, and then only, conceive him to be a greater man than you. But might not an army, with a King or General at their head, have compelled them to aſſemble?

F. Yes; but the army muſt have been formed by their own choice. One man or a few can never govern many without their conſent.

G. Suppoſe, however, that a multitude of men, aſſembled in a town or city, were to chuſe a King or Governor, might they not give him high power and authority?

F. To be ſure; but they would never be ſo mad, I hope, as to give him a power of making their *laws*.

G. Who elſe ſhould make them?

F. The *whole* nation or people.

G. What, if they diſagreed?

F. The opinion of the *greater number*, as in our village-clubs, muſt be taken and prevail.

G. What could be done, if the ſociety were ſo large, that all could not meet in the ſame place?

F. A greater number muſt chuſe a leſs.

G. Who

G. Who ſhould be the chuſers?

F. All, who are not *upon the pariſh*. In our club, if a man aſks relief of the overſeer, he ceaſes to be one of us, becauſe he muſt depend on the overſeer.

G. Could not a few men, one in ſeven for inſtance, chuſe the aſſembly of law-makers as well as a larger number?

F. As conveniently, perhaps; but I would not ſuffer any man to chuſe another, who was to make laws, by which my money or my life might be taken from me.

G. Have you a *freehold* in any county of forty ſhillings a year?

F. I have nothing in the world but my cattle, implements of huſbandry, and houſehold goods, together with my farm, for which I pay a fixed rent to the 'ſquire.

G. Have you a vote in any city or borough?

F. I have no vote at all; but am able by my honeſt labour to ſupport my wife and four children; and, whilſt I act honeſtly, I may defy the laws.

G. Can you be ignorant, that the Parliament, to which members are ſent by this county, and by the next market-town, have power to make new laws, by which you and your family may be ſtripped of your goods, thrown into priſon, and even deprived of life?

F. A dreadful power! I never made inquiries, having buſineſs of my own, concerning the buſineſs of Parliament, but imagined, that the laws had been fixed for many hundred years.

G. The common laws, to which you refer, are equal, juſt, and humane; but the King and Parliament may alter them, when they pleaſe.

F. The King ought, therefore, to be a good man, and the Parliament to conſiſt of men equally good.

G. The King alone can do no harm; but who muſt judge the goodneſs of Parliament-men?

F. All thoſe whoſe property, freedom, and lives may be affected by their laws.

G. Yet

G. Yet ſix men in ſeven, who inhabit this kingdom, have, like you, no votes; and the petition, which I deſired you to ſign, has nothing for its object, but the reſtoration of you all to the right of chuſing thoſe law-makers, by whom your money or your lives may be taken from you. Attend, while I read it diſtinctly.

F. Give me your pen—I never wrote my name, ill as it may be written, with greater eagerneſs.

G. I applaud you, and truſt, that your example will be followed by millions. Another word before we part. Recollect your opinion about your club in the village, and tell me what ought to be the conſequence, if the King alone were to inſiſt on making laws, or on altering them at his will and pleaſure.

F. He too muſt be expelled.

G. Oh! but think of his ſtanding army and of the militia, which now are his in ſubſtance, though ours in form.

F. If he were to employ that force againſt the nation, they would and ought to reſiſt him, or the ſtate would ceaſe to be a ſtate.

G. What, if the great accountants and great lawyers, the *Lillys* and *Spelmans*, of the nation were to abuſe their truſt, and cruelly injure, inſtead of faithfully ſerving, the publick?

F. We muſt requeſt the King to remove them, and make trial of others, but none ſhould implicitly be truſted.

G. But what, if a few great lords or wealthy men were to keep the King himſelf in ſubjection, yet exert his force, laviſh his treaſure, and miſuſe his name, ſo as to domineer over the people, and manage the Parliament.

F. We muſt fight for the King and ourſelves.

G. You talk of fighting, as if you were ſpeaking of ſome ruſtick engagement at a wake; but your quarter-ſtaffs would avail you little againſt bayonets.

F. We might eaſily provide ourſelves with better arms.

G. Not ſo eaſily; when the moment of reſiſtance came, you would be deprived

deprived of all arms; and thofe who fhould furnifh you with them, or exhort you to take them up, would be called traitors, and probably put to death.

F. We ought always, therefore, to be ready; and keep each of us a ftrong firelock in the corner of his bed-room.

G. That would be legal as well as rational. Are you, my honeft friend, provided with a mufket?

F. I will contribute no more to the club, and purchafe a firelock with my favings.

G. It is not neceffary——I have two, and will make you a prefent of one with complete accoutrements.

F. I accept it thankfully, and will converfe with you at your leifure on other fubjects of this kind.

G. In the mean while, fpend an hour every morning in the next fortnight in learning to prime and load expeditioufly, and to fire and charge with bayonet firmly and regularly. I fay every *morning*; becaufe, if you exercife *too late in the evening*, you may fall into fome of the legal fnares, which have been fpread for you by thofe gentlemen, who would rather fecure game for their table, than liberty for the nation.

F. Some of my neighbours, who have ferved in the militia, will readily teach me; and, perhaps, the whole village may be perfuaded to procure arms, and learn their exercife.

G. It cannot be expected, that the villagers fhould purchafe arms, but they might eafily be fupplied, if the gentry of the nation would fpare a little from their vices and luxury.

F. May they turn to fome fenfe of honour and virtue!

G. Farewell, at prefent; and remember, "that a free ftate is only a "more numerous and more powerful club, and that he only is a free "man, who is member of fuch a ftate."

F. Good morning, Sir! You have made me wifer and better than I was yefterday; and yet, methinks, I had fome knowledge in my own mind of this great fubject, and have been a politician all my life without perceiving it.

THE

THE CHARACTER

OF

JOHN LORD ASHBURTON.

THE publick are here presented not with a fine picture, but a faithful portrait, with the character of a memorable and illustrious man, not in the style of panegyrick on a monument, but in the language of sober truth, which friendship itself could not induce the writer to violate.

JOHN DUNNING (a name to which no title could add lustre) possessed professional talents which may truly be called inimitable; for, besides their superlative excellence, they were peculiarly his own; and as it would scarcely be possible to copy them, so it is hardly probable that nature or education will give them to another. His language was always pure, always elegant; and the best words dropped easily from his lips into the best places with a fluency at all times astonishing, and, when he had perfect health, really melodious: his style of speaking consisted of all the turns, oppositions, and figures, which the old Rhetoricians taught, and which *Cicero* frequently practised, but which the austere and solemn spirit of *Demosthenes* refused to adopt from his first master, and seldom admitted into his orations, political or forensick.

Many at the bar and on the bench thought this a vitiated ſtyle; but, though diſſatisfied as criticks, yet, to the confuſion of all criticiſm, they were tranſported as hearers. That faculty, however, in which no mortal ever ſurpaſſed him, and which all found irreſiſtible, was his wit. This relieved the weary, calmed the reſentful, and animated the drowſy: this drew ſmiles even from ſuch as were the objects of it; ſcattered flowers over a deſert; and, like ſun-beams ſparkling on a lake, gave ſpirit and vivacity to the dulleſt and leaſt intereſting cauſe. Not that his accompliſhments, as an advocate, conſiſted principally in volubility of ſpeech or livelineſs of raillery. He was endued with an intellect, ſedate, yet penetrating; clear, yet profound; ſubtle, yet ſtrong. His knowledge too was equal to his imagination, and his memory to his knowledge. He was not leſs deeply learned in the ſublime principles of juriſprudence and the particular laws of his country, than accurately ſkilled in the minute, but uſeful, practice of all our different courts. In the nice conduct of a complicated cauſe, no particle of evidence could eſcape his vigilant attention, no ſhade of argument could elude his comprehenſive reaſon. Perhaps the vivacity of his imagination ſometimes prompted him to ſport where it would have been wiſer to argue; and, perhaps, the exactneſs of his memory ſometimes induced him to anſwer ſuch remarks as hardly deſerved notice, and to enlarge on ſmall circumſtances which added little to the weight of his argument: but thoſe only who have experienced can, in any degree, conceive the difficulty of exerting all the mental faculties in one inſtant, when the leaſt deliberation might loſe the tide of action irrecoverably. The people ſeldom err in appreciating the character of ſpeakers; and thoſe clients who were too late to engage DUNNING on their ſide, never thought themſelves ſecure of ſucceſs, while thoſe againſt whom he was engaged were always apprehenſive of a defeat.

As a lawyer, he knew that Britain could only be happily governed on the principles of her conſtitutional, or publick law; that the regal power was limited, and popular rights aſcertained by it; but that the ariſtocracy had

had no other power than that which too naturally refults from property, and which laws ought rather to weaken than fortify: he was, therefore, an equal fupporter of juft prerogative, and of national freedom, weighing both in the noble balance of our recorded conftitution. An able and afpiring ftatefman, who profeffed the fame principles, had the wifdom to folicit, and the merit to obtain, the friendfhip of this great man; and a connection, planted originally on the firm ground of fimilarity in political fentiments, ripened into perfonal affection which nothing but death could have diffolved or impaired. Whether in his minifterial ftation he might not fuffer a few prejudices infenfibly to creep on his mind, as the beft men have fuffered becaufe they were men, may admit of a doubt; but, if even prejudiced, he was never uncandid, and though pertinacious in all his opinions, he had great indulgence for fuch as differed from him.

His fenfe of honour was lofty and heroick; his integrity ftern and inflexible; and though he had a ftrong inclination to fplendour of life, with a tafte for all the elegancies of fociety, yet no love of dignity, of wealth, or of pleafure, could have tempted him to deviate, in a fingle inftance, from the ftraight line of truth and honefty. He carried his democratical principles even into focial life, where he claimed no more of the converfation than his juft fhare, and was always candidly attentive, when it was his turn to be a hearer. His enmities were ftrong, yet placable; but his friendfhips were eternal; and if his affections ever fubdued his judgment, it muft have been in cafes, where the fame or intereft of a friend were nearly concerned. The veneration with which he conftantly treated his father, whom his fortunes and reputation had made the happieft of mortals, could be equalled only by the amiable tendernefs which he fhewed as a parent. He ufed to fpeak with wonder and abhorrence of Swift, who was not afhamed to leave a written declaration, "that he could never be fond of children;" and with applaufe of the caliph, who, on the eve of a decifive battle, which was won by his

valour

valour and wiſdom, amuſed himſelf in his tent with ſeeing his children ride on his ſcymitar, and play with his turban, and diſmiſſed a general, as unlikely to treat the army with lenity, who durſt reprove him for ſo natural and innocent a recreation.

For ſome months before his death, the nurſery had been his chief delight, and gave him more pleaſure than the cabinet could have afforded: but this parental affection, which had been a ſource of ſo much felicity, was probably a cauſe of his fatal illneſs. He had loſt one ſon, and expected to loſe the other, when the author of this painful tribute to his memory parted from him with tears in his eyes, little hoping to ſee him again in a periſhable ſtate.—As he perceives, without affectation, that his tears now ſteal from him, and begin to moiſten the paper on which he writes, he reluctantly leaves a ſubject, which he could not ſoon have exhauſted; and when he alſo ſhall reſign his life to the great Giver of it, he deſires no other decoration of his humble grave-ſtone than this honourable truth:

> With none to flatter, none to recommend,
> DUNNING approv'd and mark'd him as a friend.

AD LIBERTATEM

AD

LIBERTATEM

CARMEN *.

VIRTUS renaſcens quem jubet ad ſonos
Spartanam avitos ducere tibiam?
Quis fortium cætûs in auras
Ætherias juvenum ciebit,
Quos, Marti amicos, aut hyacinthinis
Flavâ in palæſtrâ conſpicuos comis;
Aut alma Libertas in undis
Egelidis agiles videbat,
Cæleſte ridens? Quis modulabitur
Excelſa plectro carmina Leſbio;
Quæ dirus, Alcæo ſonante,
Audiit et tremuit dynaſtes?
Quis myrteâ enſem fronde reconditum
Cantabit? Illum, civibus Harmodi
Dilecte ſervatis, tenebas:
Tuque fidelis Ariſtogiton.
Vix ſe refrænat fulmineus chalybs:
Mox igne divino emicat, exilit;
Et cor reluctantis tyranni
Perforat ictibus haud remiſſis:

* It may be proper, though unneceſſary, to inform the claſſical reader, that ſome ſtanzas of this Alcaick are little more than a liberal tranſlation from Collins's Ode to Liberty.

O ter placentem Palladi victimam!
Nec tu minorem Roma dabas Jovi;
Ex ore cum Bruti sonaret,
Sanguine Cæsareo rubentis,
Vox grata Divis,—grataque Tullio!
Ah! lacrymarum ne scatebræ fluant,
Afflicta Libertas, tuarum:
(O pudor! O miseri Quirites!)
Vafri tacebo carnificis dolos,
Cui nomen Augusto impia plebs dedit;
Fletura et infandas Neronum
Nequitias odiosiorum.
Nolo tyrannorum improbioribus
Sanctum inquinari nominibus melos,
Quos turpis ætas in Latinæ
Dedecus exitiumque gentis
Produxit. His te, Diva, furentibus,
Ad templa cæli et sidereas domos
Vidit jugatis subvolantem
Musa aquilis nitidoque curru.
At Roma, vasti molibus imperî
Sublata, centum nubila brachiis
Differt, colosseoque Olympi
Vertice verticibus minatur.
Sed, fervidi instar diluvii ruens,
Septem relictis turba trionibus
Formidolosorum gigantum
Hesperios populatur agros.
Qui plurimo conamine, plurimis
Immane adorti monstrum ululatibus,
Vix diro anhelantesque frenden—
—tesque trahunt strepitu ruinam.

Gens,

Gens, te remotâ, nulla diu poteſt
Florere. Mox tu purpureas, Dea,
Sedes reliquiſti piorum,
Auſa novas habitare terras.
Tum vitibus Florentia veſtiens
Colles apricos, et nemora aureo
Splendore malorum coronans,
Te coluit,—coluitque muſas;
Caſura amatâ, (væ miſeræ!) manu.
At tu petebas pratula mollium
Piſarum, olivetumque Lucæ,
Et ſcopulos tenuis Marini.
Vix te vocabat, nec docilem ſequi,
Dux glorioſæ gemmifer Adriæ;
Qui ſcandit, haud pauper maritus,
Cæruleum Thetidos cubile.
Poſt exulem te, nobilis inſula,
Tutis recepit Corſica rupibus:
Quâ Marte non uno ſubactâ,
Sæve Ligur, nimium ſuperbis.
Nunc te nivoſas, Diva, libentius
Quæro per Alpes; durus ubi gelu
Helvetius frangit ligone, aut
Remigiis agitat Lemanum:
Quæro per urbes, dona maris, novas,
Et fida ſacris tecta ciconiis:
Quæro paludoſos per agros,
Et validæ ſaliceta gentis;
Quæ fulmen Albani haud timuit ducis.
Hinc pulſa migras? quo, Dea, quo fugis?
Ah! grata dilectis Britannis
Nympha, tuos video receſſûs.

Olim,

Olim, hæc recluiſit muſa vetuſtior:
Inter feracis littora Galliæ
Interque diviſum Albionis
Nulla ſolum reſonabat unda:
At ſæpe ab Icci, non madido pede,
Saxis verendas ad Doroberniæ
Sedes adornati ambulabant
Glandiferâ Druidæ coronâ.
Tunc æſtuantes ad mare Suevicum
Fluctus ruebant tramite diſſito,
Quo belluoſis horret Orcas,
Montibus et glaciata Thule.
Sed mox reſurgens oceanus manum
Effert minacem; et, dum croceum æthera
Scindunt repercuſſis procellæ
Fulguribus, valido tridente
Divellit agros diſſociabiles:
Tunc enatabas, pulchra Britannia,
Silviſque, et arvis, et ſonoris
Amnibus egregiè triumphans.
Gemmata multâ tum Thetis inſulâ
Risît: ſacratis Mona, parens mea,
Ornata quercetis refulſit;
Et zephyro recreata Vectis.
Hæc facta nutu, Diva potens, tuo:
Nam laſſa dulcis pomiferas Vagæ
Ripas, et undantis Sabrinæ,
Nobile perfugium, eligebas;
Remota Gallis:—Galli etenim truces,
(Pſychen ut antêhac barbari amabilem,)
Te reppulerunt exulantem;
Gens meritas luitura pænas!

Tunc

Tunc, in receſſu fertilis inſulæ
Lecto, ſacratum nominibus tuis
Fanum ſmaragdis emicabat
Conſitum et ætheriis pyropis.
Ventura jam tum fama Britanniæ,
Mirâ arte, miris picta coloribus,
Poſteſque et excelſum lacunar,
Et variam irradiabat aulam.
Depictus enſem protulit et ſtylum
Sidneius; heros, quem neque judicis
Vultus, nec infamis tyranni
Terruit ira diu repoſta.
Effulſit ardenti et gladio et lyra
Miltonus audens, cui nitidam nimis
Te, nuda Libertas, videnti
Nox oculos tenebroſa clauſit:
Nunc templo in ipſo, (quâ radiat vetor
Orâ, profani, dicere,) vatibus
Inſertus heroumque turmæ
Verba canit recitanda Divis.
O nympha! mæſtam grata Britanniam
Ni tu reviſas, percita civium
Non mite nepenthes levabit
Corda, ſalutiferumve moly.
Altaribus te jam tredecim vocat,
Te thure templiſque urget America:
Audis; Atlanteumque pennis
Ire paras levibus per æquor.
Ah! ne roſeta et flumina deſeras
Dilecta nuper: nam piget,—heu piget
Martis nefaſti fratricidæ,
Imperiique malè arrogati.

Iam,

Iam, veris inſtar, præniteas novo
Pacata vultu: Pax tibi ſit comes;
  Quæ blanda civilis duelli
    Sopiat ignivomos dracones.
Cum tranſmarinis juncta ſororibus,
Nectat choream læta Britannia.
  Neu mitis abſit, jam ſolutis
    Mercibus, haud violanda Ierne.
O! quæ paratur copia fulminis,
Centum repoſti navibus, improbos
  Gallos et audaces Iberos,
    Civibus haud nocitura, frangat.

Idibus Martiis,
MDCCLXXX.

LETTRE

LETTRE

À

MONSIEUR A*** DU P***.

DANS LAQUELLE EST COMPRIS

L'EXAMEN

DE SA TRADUCTION DES LIVRES

ATTRIBUÉS À

ZOROASTRE.

——— Beatus Fannius ultrò
Delatis capſis, et imagine. HOR.

LETTRE

À

*MONSIEUR A*** DU P***.*

NE ſoyez point ſurpris, Monſieur, de recevoir cette lettre d'un inconnu, qui aime les vrais talens, et qui ſait apprécier les vôtres.

Souffrez qu'on vous félicite de vos heureuſes découvertes. Vous avez ſouvent prodigué votre précieuſe vie ; vous avez franchi des mers orageuſes, des montagnes remplies de tigres ; vous avez flétri votre teint, que vous nous dites, avec autant d'élégance que de modeſtie, avoir été compoſé *de lis et de roſes* ; vous avez eſſuyé des maux encore plus cruels ; et tout cela uniquement pour le bien de la littérature, et de ceux qui ont le rare bonheur de vous reſſembler.

Vous avez appris deux langues anciennes, que l'Europe entière ignorait * ; vous avez rapporté en France le fruit de vos travaux, les livres du célébre Zoroaſtre ; vous avez charmé le public par votre agréable traduction de cet ouvrage ; et vous avez atteint le comble de votre ambition, ou plutôt l'objet de vos ardens déſirs ; vous êtes Membre de l'Académie des Inſcriptions.

* Ce n'eſt point par affectation qu'on ſuit ici l'orthographe de M. de Voltaire. Ce grand écrivain qui a rendu tant de ſervice à ſa langue, a certainement raiſon, lorſqu'il dit *qu'on doit écrire comme on parle, pourvû qu'on ne choque pas trop l'uſage, et qu'étant très-dévot à* St. François, *il a voulu le diſtinguer des* Français.

Nous

Nous respectons, comme nous le devons, cette illustre et savante Académie : mais vous méritez, ce nous semble, un titre plus distingué.

Christophe Colomb ne découvrit qu'un nouveau monde, rempli de bêtes féroces, d'hommes plus féroces qu'elles, et de quelques mines de ce métal jaune, que vous avez prudemment négligé : mais pour vous, Monsieur, vous avez cherché une nouvelle religion, laissant aux hommes oisifs le soin de cultiver la leur. Les saints pères de votre chère patrie n'ont jamais affronté tant de périls, pour avancer le vrai culte, que vous en avez essuyé pour découvrir le faux.

Plus grand voyageur que Cadmus, vous avez rapporté, comme lui, de nouveaux caractères, et de nouveaux dieux. Nous disons de *nouveaux dieux*, car vous n'avez pas oublié, Monsieur, celui que vous volâtes dans une pagode près de Keneri.

A parler franchement, on doit vous faire pour le moins l'Archimage, ou grand prêtre des Guèbres, d'autant plus que, dans ce nouveau poste, vous auriez l'occasion de mettre un peu plus de *feu* dans vos écrits.

Voyageur, Savant, Antiquaire, Héros, *Libelliste*, quels titres ne méritez-vous pas ? On se contente de vous offrir celui qu'Horace donnait à Fannius dans l'épigraphe de cette lettre, que vous avez lue, sans peut-être vous douter de la justesse de l'application. Comme lui vous vous applaudissez sans mesure ; vous voilà *beatus :* vous avez déposé vos manuscrits à la bibliothéque royale ; voilà *delatis capsis* ; sans y être invité ; voilà *ultro :* et pour rendre la comparison plus juste, vous nous donnez souvent votre portrait *(imaginem)* duquel vous paraissez fort épris. Mais Fannius était Poëte, et par malheur il s'en faut de beaucoup, à la fiction près, que vous le soyez.

Vous

Vous avez certainement de plus hautes prétentions ; ſacrifier au bien public les dons les plus brillans de la nature eſt toute autre choſe que de cueillir quelques lauriers ſur le Parnaſſe ; et vous ne nous laiſſez point ignorer ces ſacrifices. Dans votre premier volume, à la vingtième page *, vous nous contez ce que vous ſouffrîtes pour " *l'impertinence* " *d'un jeune homme bien fait, et d'une très-jolie figure, dont l'air dédaigneux* " *avait indigné les paſſagers*; *ils engagèrent*, dites-vous, *deux matelots à* " *le plonger dans la mer, lorſqu'ils le porteraient à terre en ſortant de la* " *chaloupe*; ce qui étoit très-ſocial. *On exécuta cette commiſſion* obli-" geante; *mais, par une erreur dont vous fûtes la victime*, et dont vous " n'étiez pas trop fâché, *on vous prit pour le beau damoiſeau, et on vous* " *étendit ſur le ſable, dans un endroit où il y avait quatre pieds d'eau.* " *Vous fûtes le premier à rire de la mépriſe*;" et avec grande raiſon, puiſqu'elle devait vous ſervir à conſtater les charmes que vous poſſédiez avant votre laborieux pélerinage.

Oh ! vous avez eu raiſon de nous faire part de cette anecdote : il importe très-fort, à ceux qui veulent s'inſtruire des lois de la Perſe, de ſavoir, qu'au mois de Juin 1755 vous reſſembliez à un petit-maître amoureux de ſoi-même.

Nous citerons un autre paſſage dans vos propres paroles auſſi modeſtes que bien choſies. " *L'objet*, dites-vous, *qui m'amenait dans* " *l'Inde, parut en lui-même beau, mais peu important*; *et, ſi l'on me fit la* " *grâce de ne me pas regarder comme un joli impoſteur, qui s'était ſervi de* " *ce prétexte pour venir dans cette contrée tenter fortune, on crut d'un* " *autre côté que le même coup de ſoleil, qui ferait diſparaître les roſes de mon* " *teint, diſſiperait mes premières idées.*"

* On ne citera plus les pages de ce livre, qui ne ſera lu de perſonne.

On

On ignore, Monſieur, ce que l'on pouvait penſer à Pondicheri, ſur la beauté, ou ſur l'importance de l'objet qui vous y amenait, mais on peut vous aſſurer, qu'en Europe on ne vous prend pas au moins pour un *joli* impoſteur.

Permettez maintenant, Monſieur, qu'on vous diſe ſérieuſement ce que des gens de lettres penſent de votre entrepriſe, de vos voyages, de vos trois gros volumes, et de votre ſavoir que vous vantez avec ſi peu de réſerve. Dans le cours de cet examen, on ne pourra s'empêcher de faire quelques réflexions ſur la manière dont vous en uſez à la fin de votre diſcours préliminaire, avec ceux qui méritent votre reſpect et votre reconnaiſſance.

On doit aimer le vrai ſavoir: mais toutes choſes ne valent pas la peine d'être ſues. Il eſt inconcevable que dans un ſiècle, où tous les arts ſe perfectionnent, et toutes les ſciences s'épurent, ce qu'on appelle la littérature en général, ſoit, par faute de choix, preſque barbare. On ſait la profondeur des mers, on ſait les lois et la marche de la nature, on ſait ce qui ſe paſſe dans toutes les parties du monde habitable; et on ignore combien de choſes on ne doit pas ſavoir.

Socrate diſait, en voyant l'étalage d'un bijoutier, « De combien de « choſes je n'ai pas beſoin!" On peut de même s'écrier, en contemplant les ouvrages de nos érudits, Combien de connaiſſances il m'importe peu d'acquérir!

Si vous aviez fait cette dernière réflexion, vous n'auriez pas affronté la mort pour nous procurer des lumières inutiles.

La curioſité du public et des ſavans au ſujet de Zoroaſtre ceſſa dès qu'on eut vu quelques lambeaux de ſes prétendus ouvrages dans le Saddar,

Saddar, et dans d'autres livres, écrits en Perſan par des Mages qui étaient aſſurément plus à portée de les faire connaître qu'un Européen *au teint de roſe.*

On poſſédait déjà pluſieurs traités attribués à Zerduſht ou Zeratuſht, traduits en Perſan moderne; de prétendues conférences de ce légiſlateur avec Ormuzd, des prières, des dogmes, des lois religieuſes. Quelques ſavans, qui ont lu ces traductions, nous ont aſſuré que les originaux étaient de la plus haute antiquité, parce qu'ils renfermaient beaucoup de platitudes, de bévues, et de contradictions: mais nous avons conclu par les mêmes raiſons, qu'ils étaient très-modernes, ou bien qu'ils n'étaient pas d'un homme d'eſprit, et d'un philoſophe, tel que Zoroaſtre eſt peint par nos hiſtoriens. Votre nouvelle traduction, Monſieur, nous confirme dans ce jugement: tout le collége des Guèbres aurait beau nous l'aſſurer; nous ne croirons jamais que le charlatan le moins habile ait pu écrire les fadaiſes dont vos deux derniers volumes ſont remplis.

Mais ſuppoſons, pour un moment, que ce recueil de galimatias contienne réellement les lois et la religion des anciens Perſes; était-ce la peine d'aller ſi loin pour nous en inſtruire? Croyez-nous, Monſieur, vous auriez mieux fait de vous en tenir à vos belles lois féodales, et à votre religion Romaine, qu'apparemment vous chériſſez. Vous auriez pu être un grand Avocat, ſi vous parlez auſſi bien que vous écrivez; ou un excellent ſcholaſtique, avec tant ſoit peu plus d'orgueil.

Nous dirons même, et nous le dirons hardiment, que, s'il était poſſible de recouvrer tous les livres de Lycurgue, de Zaleucus, de Charondas, et s'ils ne contenaient rien de nouveau et d'intéreſſant, leur antiquité ne les ferait pas valoir; ils ne ſerviraient qu'à ſatisfaire la ridicule curioſité de quelques fainéans, et n'influeraient nullement au bonheur

bonheur des hommes, lequel doit, ſans contredit, être le but de la véritable littérature.

Daignez-vous rappeler le paſſage ſuivant dans un des opuſcules de M. de Voltaire ; quoi qu'en général nous n'aimions pas les citations, nous faiſons gloire d'adopter les penſées de cet illuſtre écrivain, l'honneur de la France : *Enfin*, dit-il, *dans ce recueil de cent portes ou préceptes tirés du livre de Zende, et où l'on rapporte même les propres paroles de l'ancien Zoroaſtre, quels devoirs moraux ſont-ils preſcrits ? Celui d'aimer, de ſecourir ſon père et ſa mère, de faire l'aumône aux pauvres, de ne jamais manquer à ſa parole, de s'abſtenir quand on eſt dans le doute ſi l'action qu'on va faire eſt juſte ou non.* Malheur au pays qui ſe trouve obligé de faire chercher ces préceptes dans la Zone brûlante ! et d'ailleurs trouve-t-on rien d'auſſi ſenſé dans vos trois *in quarto ?*

Si ces raiſonnemens, Monſieur, ne portent pas abſolument à faux, il en réſulte que votre objet n'était ni *beau* ni *important* ; que l'Europe éclairée n'avoit nul beſoin de votre Zende Vaſta ; que vous l'avez traduit à pure perte ; et que vous avez prodigué inutilement pendant dix-huit ans un temps qui devait vous être précieux.

Mais direz-vous, " j'ai voulu apprendre deux langues anciennes, " qu'aucun Européen n'a ſues avant moi." Quelle petite gloire que de ſavoir ce que perſonne ne ſait, et n'a que faire de ſavoir ! on ne veut pas cependant vous priver de cette gloire : perſonne ne vous la diſputera. On veut même croire que vous avez dans la tête plus de mots Zendes, c'eſt-à-dire, plus de mots durs, traînans, barbares, que tous les ſavans de l'Europe. Ne ſavez-vous pas que les langues n'ont aucune valeur intrinsèque ? et qu'un érudit pourrait ſavoir par cœur tous les dictionnaires qui ont jamais été compilés, et pourrait bien n'être à la fin du compte que le plus ignorant des mortels ?

D'ailleurs,

D'ailleurs, êtes-vous bien ſûr que vous poſſédez les anciennes langues de la Perſe ? Ignorez-vous qu'une langue ne ſaurait être compriſe dans un ſeul ouvrage ? Que tel homme qui lirait aſſez couramment les livres de Moïſe en Hébreu, avec le ſecours d'un Juif, ne comprendrait rien dans le Cantique des Cantiques ſans ce ſecours ; et quand il le comprendrait, il n'en ſerait pas plus avancé pour l'intelligence des fables de Sandabar, écrites dans le même dialecte ? On ne poſsède une langue que lorſqu'on a lu un nombre infini de livres écrits dans cet idiome. C'eſt pourquoi on n'aurait jamais ſu l'Hébreu ſans la langue Arabe, où preſque toutes ſes racines ſe ſont conſervées. Par la même raiſon on ne ſaura jamais, ne vous en déplaiſe, les anciens dialectes de la Perſe, tandis qu'ils n'exiſtent que dans les prétendus livres de Zoroaſtre, qui d'ailleurs ſont remplis de répétitions inutiles.

" Mais," direz-vous, " me ſoupçonne-t-on d'avoir voulu tromper le " public ?" Non, Monſieur, *on ne dit pas cela*. Vous vous êtes trompé vous-même. Il était poſſible d'apprendre les caractères Zendes ſans ſortir de l'Europe ; il était facile de traduire en Français ce que le révérend Docteur Darab vous dicta en Perſan moderne, en le comprenant, peut-être, très-peu lui-même : mais vous copiez ce ridicule Phébus ; vous apprenez quelques centaines de beaux mots Zendiques ; et à votre retour en France vous vous donnez comme le premier qui ait ſu la langue de Darius Hyſtaſpes, et le ſeul qui ſe ſoit aviſé d'écrire *ſur la Perſe, et ſur l'Inde*.

On paſſera légérement ſur vos voyages, on croit que vous avez aſſez appuyé vous-même ſur ce ſujet. On obſervera ſeulement, en paſſant, qu'ils ne reſſemblent pas à ceux d'un homme de lettres ; et on ſe hâte d'examiner la manière dont vous les décrivez, qui n'eſt pas celle dont M. Chardin et M. Bernier ont écrit avant vous *ſur la Perſe, et ſur l'Inde*.

Vous

Vous paraiſſez ſentir vous-même le mérite de votre *diſcours préliminaire.* " C'eſt un hors-d'œuvre, dites-vous, que je puis avoir tort de " riſquer." Eh ! pourquoi donc en importuner le public ? Un auteur a beau s'excuſer ſur les défauts d'un ouvrage qu'il aurait dû corriger ou jeter au feu : mais pour vous, Monſieur, ſi vous avez manqué à vous faire cette juſtice, on doit vous pardonner ; vous avez, peut-être, craint de profaner l'élément ſacré dont vous vous déclarez l'Apôtre. On louerait même votre piété, ſi votre rhapſodie était d'une longueur raiſonnable ; mais eſt-elle une réparation ſuffiſante pour ceux qui ont entrepris la tâche de lire plus de cinq cents pages de détails puérils, de deſcriptions dégoûtantes, de mots barbares, et de ſatires auſſi injuſtes que groſſières ?

Vous direz, ſans doute, que vous n'avez employé que dix-huit ans à nous compiler ce fatras, qui nous fait bâiller, et nous indigne à chaque page. Souffrez qu'à ce propos on vous répète un bon mot du Comte de Rocheſter, que M. Dryden rapporte dans ſon *parallèle entre la poëſie et la peinture :* un poëte, parlant à ce Seigneur de ſa tragédie, dit *qu'il n'avait mis que trois ſemaines à la compoſer* ; *Comment diable*, répondit-il, *y avez-vous mis ſi long temps ?*

Vous vous ſouvenez, peut-être, du proverbe cité par M. de Voltaire dans ſa lettre au chapelain du roi de Suède, *Toutes vérités ne ſont pas bonnes à dire.* Permettez qu'on y ajoute cette maxime : Celui qui prétend amuſer ou inſtruire le public, doit le reſpecter trop pour l'importuner de toutes ſes petiteſſes, et ne doit lui préſenter que des choſes épurées et triées parmi toutes ſes connaiſſances.

Il ſemble, à la vérité, que cette maxime n'eſt pas généralement adoptée ; car dès qu'un écolier a ramaſſé quelques lieux communs pitoyables, il lâche auſſitôt les écluſes de ſon grand ſavoir ſur le public, qui

qui s'en trouve à présent inondé : et à la honte du siècle ces niaiseries trouvent quelquefois des lecteurs. Violà le bien qu'a produit le bel art de l'imprimerie ! Tout ceci ne vous regarde pas. Il importe beaucoup à la littérature de savoir combien de fois vous avez pris l'ipékékuanha, etd es apozèmes ; combien de fois vous avez eu la fièvre, la colique, les dartres : il est de la plus grande conséquence de voir la liste de tous les villages Indiens où vous avez passé et d'avoir le détail de toutes vos querelles.

Un lecteur éclairé sera sans doute charmé de savoir que dans la pagode d'Iloura " *à gauche et continuant par la droite, on aperçoit Maha Deo, et* " *au-dessous de ce Dieu, Raona et neuf de ses têtes autour du Lingam*, que " *le deuxième bas-relief présente Maha Deo, Parbati, et au-dessous les* " *Brahmes de Raona* ; *le troisième Maha Deo, Parbati, Pendi* (ou Pando) " *et au-dessous, un bœuf* ; *le quatrième, les mêmes figures* ; *le cinquième, un* " *Brahme* ; *le sixième, Maha Deo, et Parbati* ; *le septième, Banguira* ; *le* " *huitième, Maha Deo, et Parbati* ; *le neuvième, les mêmes figures avec un* " *bœuf* ; *le dixième, la même chose* ; *le onzième, Rajah Bal* ; *le douzième,* " *Maha Deo, Parbati, et un voleur* ; *le treizième, Ram et sa femme Gan-* " *gam* ; *le quatorzième, Schiddadji et sa femme* ; *le quinzième, Djakodji* " *et sa femme* ; *le seizième, Maha Deo, Parbati, et un bœuf* ; *le dix-sept-* " *ième, Seadji* ; *le dix-huitième, Narchiotar dans un Kambour* ; *le dix-* " *neuvième, Toulladji* ; *le vingtième, Mankoudji* ; *le vingt-unième Satvadji* ; " *le vingt-deuxième, Latchimana* ; *le vingt-troisième, Dondi* ; *le vingt-* " *quatrième, Mallari* ; *le vingt-cinquième, Bonhi* ; *le vingt-sixième, Tche-* " *menandji* ; *le vingt-septième, Makoundji* ; *le vingt-huitième, Moradji* ; *le* " *vingt-neuvième Nembadji, à quatre bras* ; *le trentième, Dondi, et sa* " *femme à quatre bras* ; *le trente-unième Schamdji, voleur, qui a quatre* " *bras, et à gauche sa femme* ; *le trente-deuxième, Anandji, Bibi (femme)* ; " *le trente-troisième, Goupala* ; *le trente-quatrième, Manoukou à quatre* " *bras, attaché à un pilier* ; *le trente-cinquième, Anandji, avec un visage de* " *tigre,*

" *tigre, dévorant Kepaldji, et auquel on tire les entrailles du ventre; le*
" *trente-ſixième, Ramſedj couché; le trente-ſeptième, Gurigoorden, à quatre*
" *bras; le trente-huitième, Baſek Rajah à ſix bras; le trente-neuvième,*
" *Kreſnedji (ou Keeſchtnedji) à quatre bras, couché ſur Garour; le quarant-*
" *ième, Viſchnou qui avale une femme; le quarante-unième, Tchendoupala à*
" *quatre bras, marchant ſur Matchelé; le quarante-deuxième, Goindrâs à*
" *quatre bras, appuyé ſur une eſpèce de trône; le quarante-troiſième, Ana-*
" *pourna, Bibi.*"

Voilà à peu près le langage de votre agréable diſcours préliminaire. Ce ne ſont là, direz-vous, que des fables Indiennes; mais ſied-il à un homme né dans ce ſiècle de s'infatuer des fables Indiennes? Ce n'eſt point ainſi que le Chevalier Chardin écrivit le voyage de Perſe, ni M. Bernier celui de Cachemir: ils écrivirent tous deux avec autant de pureté que de goût. Un voyageur doit profiter de ces illuſtres exemples; la *beauté* de ſon *teint*, et *cet air de douceur*, dont vous parlez, ne lui ſerviront de rien, s'il ne met pas un peu de *grâces* dans ſes écrits.

Quelquefois, à la vérité, il vous prend envie de plaiſanter. On vous fit chanter le Crédo en faux-bourdon, et vous inſinuez, qu'étant Français, vous étiez pris pour muſicien. Tranquilliſez-vous, Monſieur; on ne ſait pas au juſte ce qu'en penſent les prêtres Indiens, mais on vous aſſure que, ſi vous revenez en Angleterre, on ne vous fera pas chanter. Les Anglais connaiſſent trop bien la mélodie de votre nation muſicale.

Juſqu'ici, Monſieur, nous n'avons d'autre plainte envers vous, que celle de nous avoir endormis; ce qui n'eſt pas certainement un crime en ſoi-même: quant à ceux qui craignent ces vapeurs ſoporifiques, il leur eſt facile ou de ne pas lire un livre qui les donne, ou de l'oublier; le remède eſt auſſi naturel que la précaution eſt bonne.

On

On ne dira rien ici de votre ſtyle dur, bas, inélégant, ſouvent ampoulé, rarement conforme au ſujet, et jamais agréable. Il eſt permis, peut-être, à un voyageur d'écrire un peu à la Perſane; mais après le ſiècle de Boſſuet et de Fenelon, et dans celui de M. de Voltaire et de M. d'Alembert, un Français doit au moins écrire avec pureté dans ſa langue naturelle; et ſurement un membre de l'Académie des Belles-lettres doit avoir honte qu'un étranger lui reproche les défauts de ſon ſtyle. On voit bien que vous n'êtes pas de l'Academie Françaiſe.

Nous aurons plus à dire ſur la fin de votre diſcours. Vous recourûtes, Monſieur, aux Anglais; ils vous protégèrent contre votre nation; vous revîntes en Europe dans un de leurs vaiſſeaux; vous abordâtes en Angleterre dans un temps de guerre; les hommes les plus diſtingués du royaume s'empreſsèrent de vous rendre ſervice; vous allâtes à Oxford; on vous y reçut avec la même politeſſe: d'où vient donc que vous regardâtes d'un œil ſi malin une nation que l'Europe entière reſpecte, et qu'elle reſpectera? Quelle punition votre Zoroaſtre ordonne-t-il pour les ingrats? Combien *d'urine de bœuf* ſont-ils obligés d'avaler? On vous conſeille, Monſieur, de prendre une doſe de cette ſainte et purifiante liqueur.

Pour épargner le lecteur, on ne relevera point l'indignité avec laquelle vous parlez d'un reſpectable Aſtronome qui vous fit l'honneur de vous viſiter à St. Hélène. Votre baſſe et dégoûtante plaiſanterie à ſon ſujet eſt-elle d'un ton à s'allier avec celui du traducteur du Pazend? Vous ajoutez "*voilà les Français.*" C'eſt inſulter, Monſieur, à votre illuſtre nation que de leur imputer des mœurs, qui ne ſeraient pas dignes des ſauvages du Cap de Bonne Eſpérance. Nous connaiſſons des Français de diſtinction, avec leſquels vous n'êtes pas, ce nous ſemble, très-lié, qui ſeraient indignés d'un pareil procédé à l'égard du plus vil de leurs vaſſaux.

Non,

Non, Monſieur, vous ne nous perſuaderez jamais que c'eſt votre climat que vous donne la petiteſſe d'eſprit, et la baſſeſſe du cœur. Ni par votre belle exclamation ſur vos compatriotes, ni par vos invectives contre les nôtres, vous ne parviendrez au but de la Satire, qui eſt d'être, crue, et de porter coup. La ſociété des Français bien nés, bien élevés ſera ſure et agréable quoique la vôtre ſoit inſipide et dangereuſe; et nos gens de mérite ne ceſſeraient pas d'être eſtimables, quand même tous les ſots préſomptueux de la terre compteraient les verres de vin qu'ils boivent.

En effet, comment traiter un ſoi-diſant littérateur que s'efforce de tourner en ridicule des perſonnes, dont il n'a reçu que des marques de bienveillance? Quel titre faut-il donner à celui qui reçoit des rafraîchiſſemens chez des ſavans illuſtres, ne fût-ce que du thé, et qui les calomnie ſans provocation dès qu'il les a quittés, qui viole les lois de l'hoſpitalité, lois ſi réligïeuſement obſervées parmi les Orientaux, qui déſhonore, nous ne diſons pas le titre de ſavant, mais celui d'homme?

Nous avons, Monſieur, l'honneur de connaître le Docteur Hunt, et nous faiſons gloire de le reſpecter. Il eſt incapable de tromper qui que ce ſoit. *Il ne vous a jamais dit*, il n'a pu vous dire, qu'il entendait les langues anciennes de la Perſe. Il eſt perſuadé, auſſi bien que nous, que perſonne ne les ſait, et ne les ſaura jamais, à moins qu'on ne recouvre toutes les hiſtoires, les poëmes, et les ouvrages de religion, que le Calife Omar, et ſes généraux cherchèrent à détruire avec tant d'acharnement; ce qui rend inutile la peine de courir le monde aux dépens de l'éclat d'un *viſage fleuri*. Il ne regrette pas à la vérité ſon ignorance de ces langues: il en eſt aſſez dédommagé par ſa rare connaiſſance du Perſan moderne, la langue des Sadi, des Cachefi, des Nezámi, dans les livres deſquels on ne trouve ni le Barſom, ni le Lingam,

gam, ni des obſervances ridicules, ni des idées fantaſtiques, mais beaucoup de réflexions piquantes contre l'ingratitude et la fauſſeté.

Vous n'avez qu'à vous louer de la politeſſe de cet homme eſtimable, ainſi que de celle du célébre Antiquaire, auquel vous vous êtes adreſſé, et avec lequel vous en uſez ſi poliment. Ses recherches ſur l'hiſtoire, et ſur l'antiquité ont reçu une approbation générale. Vous ſied-il après cela de prodiguer vos prétendues ſaillies Françaiſes au ſujet de ſa figure? Mais on peut tout attendre *d'un teint de roſes:* il eſt pour le moins auſſi dangereux que le petit nez retrouſſé dans le conte de M. Marmontel. Le nombre des hommes que l'on *plonge dans la mer* à cauſe de *leur beauté* n'eſt pas bien conſidérable en Europe; comment pouvez-vous, Monſieur, ſupporter toutes les chétives phyſionomies qui vous entourent?

Vous faites l'éloge de M. Stanley: c'eſt le moins que vous lui deviez; il vous a rendu des ſervices plus eſſentiels que ne le ſont vos louanges. Vous en parlez comme d'un homme de goût, et vous avez raiſon. Ne perdrait-t-il pas dans votre opinion, comme ſurement vous perdriez dans la ſienne, s'il avait lu votre traduction? Nous ſouhaitons pour l'amour de lui qu'il ne la liſe jamais.

On ne prendra pas la peine de relever toutes les erreurs dont votre récit fourmille; mais on ſe croit obligé de vous reprendre ſur quelques-unes, auxquelles ceux qui n'ont pas encore lu votre Zende Vaſta pourraient ajouter foi trop légérement.

En Angleterre, dites-vous, *le titre de Docteur*, *donné à tous les ſavans*, *en fait un corps à part*, *qui a tout le pédantiſme de l'école*. *La plupart réſident à Oxford et à Cambridge*, *villes*, *dont l'air*, *à un mille à la ronde*, *ſemble imprégné de Grec*, *de Latin*, *et d'Hébreu*.

Pouvez-

Pouvez-vous croire férieufement, Monfieur, qu'on ne faurait être favant en Angleterre fans être *docteur*, et que ce titre eft donné *à tous les hommes de lettres?* comme fi l'on prenait des degrés en littérature; comme fi un miniftre, un officier, un membre du parlement, un jurifconfulte, qui doit tout favoir, étaient obligés de refter dans l'ignorance à moins qu'ils ne priffent le bonnet! Pouvez-vous ignorer que les nobles, les hommes d'état, les généraux, les interprètes des lois de cette nation, fe glorifient d'avoir été élevés dans l'une ou l'autre de ces Univerfités? qu'on y étudie les fciences, les beaux arts, les lois civiles et municipales, qui valent pour le moins celles des Guèbres? et fi l'on n'a pas honte d'y lire les beaux ouvrages des anciens, c'eft avec un efprit bien différent de celui dont vous avez lu les prétendues lois d'un prétendu légiflateur.

Eft-il permis, après avoir publié trois volumes d'inepties, d'appliquer le beau nom de pédans à ceux qui fe font donné tant de peine à fimplifier, à épurer la littérature?

Eft-il permis à un homme, dont le feul mérite, felon fon propre aveu, eft de favoir par cœur quelques milliers de mots Zendiques et Pehlevaniques, de parler avec mépris des langues Grecque et Romaine, que les Defpreaux, les Racines, les Boffuets fe glorifiaient de favoir, et dont ils tiraient le fond de leurs immortels ouvrages?

Cet homme extraordinaire, qui a continué pendant foixante années à cultiver les lettres, et à les enrichir, ne fait pas fcrupule de dire dans fa lettre écrite, il y a quatre ans, à M. d'Olivet, que *le Grec et le Latin font à toutes les autres langues du monde ce que le jeu d'échecs eft au jeu de dames, et ce qu'une belle danfe eft à une démarche ordinaire.* Michel Cervantès, auffi grand écrivain qu'homme d'efprit, en dit à peu près la même chofe, et les appelle *les reines des langues.* Ce n'eft pas à caufe de leur beauté, de leur mélodie, de leur énergie, que ces auteurs ont loué les anciens

anciens idiomes de Grèce et d'Italie ; c'eſt qu'ils étaient ceux de Pindare, et d'Horace, de Sapho, et de Catulle, de Démoſthène, et de Cicéron. On ſent bien, pour toutes ces raiſons, que ces langues ne ſont pas les vôtres. Mais ſouvenez-vous de cet axiome : décrier ce qu'on ignore, et parce qu'on l'ignore, c'eſt le partage des ſots.

Daignez auſſi vous reſſouvenir, quand vous parlez de la littérature des Anglais, que, ſi les mots *collége* et *écolier*, ſont équivoques dans votre langue, ils préſentent un ſens très-différent dans la leur de celui que vous leur donnez. Dans ce ſens leurs Univerſités ne ſont pas compoſées de *colléges* et d'*écoliers*, comme vous le dites ; mais la nobleſſe Anglaiſe, après avoir appris les langues et les élémens des ſciences aux *colléges*, paſſent à *l'Univerſité* trois ou quatre de leurs plus beaux ans pour approfondir ce qu'ils ont déjà effleuré, avant que de viſiter les pays étrangers, ou de briller dans la cour plénière de la nation.

Sachez, Monſieur, que l'Univerſité que vous décrivez, et dont vous n'avez pas la moindre idée, jouit d'un privilége que n'ont pas vos Académies. C'eſt celui qui diſtingue l'homme libre, de l'homme qui ne l'eſt pas ; celui de faire ſes propres lois dans la grande aſſemblée du royaume. Elle choiſit ſes répréſentans parmi ceux qui ont le plus de talent et de vertu. Elle n'eſt pas, comme on ſait, le ſeul corps politique de l'Angleterre qui jouiſſe de ce beau privilége ; mais elle fait plus : elle n'en abuſe point. La moindre recommendation de la part du miniſtére ; la moindre cabale de la part du candidat ſuffirait pour le faire rejeter. A-t-il des talens, de la vertu ? Il peut eſpérer d'atteindre à cette haute dignité. N'en a-t-il point ? Il ne l'atteindra jamais. Tandis que l'Univerſité d'Oxford préſervera ce droit précieux, elle ſera la plus reſpectable Académie qui ait jamais exiſtée.

On ſe hâte de finir l'examen de votre prémier volume.

Vous

Vous triomphez, Monsieur, de ce que le Docteur Hyde ne savait pas les langues anciennes de la Perse ; et vous ne dites rien de nouveau. Tous les étudians de la littérature Orientale savaient déjà que les misérables poëmes appelés *Saddar* et *Ardiviraf Nama* étaient écrits en langue Persane moderne, et seulement en caractères anciens. Un jeune homme, qui s'est amusé pendant quelque temps de ces bagatelles, et qui s'occupe à présent à étudier des lois, qui ne sont pas celles de Zoroastre, nous avait expliqué plusieurs années avant la publication de votre livre, ce couplet, dont le sens est

Ils étendirent de beaux tapis tissus de perles,
Ils répandirent de tous côtés des parfums et des odeurs *.

Il nous a dit que les mots *besát* tapis, *bekhór* parfum, et *atar* odeur, étaient Arabes, et que par conséquent ces vers avaient été faits après le milieu du septième siècle. Ce même homme nous a fait remarquer que dans la première édition de l'ouvrage de Hyde, p. 102, on a répété le mot *afkendend, ils étendirent*, deux fois, que la méprise ne consistait que dans une seule lettre, et que l'on doit mettre dans le second vers *afshandend, ils répandirent* ; de manière que le distique s'écrive,

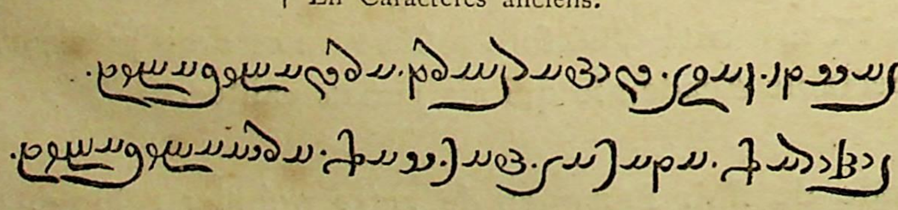
Besati naghzi goherbaft afkendend
Bekhor u atar ez her sou afshándend †.

* En Persan moderne.

بِسَاطِ نَغْزِ گُهَرْبَافْتْ افْگَنْدَنْد

بُخُور وعِطْر از هَر سو افْشَانْدَنْد

† En Caractères anciens.



car

car en lisant *parakendend* il y a une syllabe de trop dans le vers, à moins qu'on ne lise *bafteh* au lieu de *baft* dans le premier membre du couplet, ce qui paraît plus grammatical ; et alors le distique se scandera,

Bĕsāti nāgh | *zĭ gōhērbāf* | *tĕh āfkēndēnd* |
Bĕkhōr u at | *ar ēz hēr sōu* | *părākēndēnd* |.

Mais il est inutile de vous parler de vers; ils ne sont pas de votre compétence.

Vous reprenez le Docteur Hyde de ce qu'il ignorait que les cinq *gahs* signifiassent les cinq parties du jour ; de ce qu'il dit *tou* au lieu de *ton* ; et de ce qu'il ne savait pas qu'*Aherman*, le nom de votre diable Persan, était une abréviation du mot mélodieux *Enghri meniosch* ; car vous savez qu'en changeant *Enghri* en *Aher* et *meniosch* en *man* on fait *Aherman*. De la même manière on peut faire le mot *diable* en changeant *Enghri* en *di*, et *meniosch* en *able*.

Vous nous apprenez mille autres choses également curieuses et intéressantes, lesquelles valaient bien la peine d'être cherchées entre les Tropiques.

On ne fera point ici l'apologie du Docteur Hyde. C'est le sort de ceux qui se sont appliqués à étudier les lois des Guèbres, d'avoir beaucoup de vaine érudition, très-peu de jugement, et point de goût. Mais souvenez-vous que cet homme aimable et industrieux ne vivait pas dans le dix-huitième siècle, ou n'en vit que le commencement, et qu'il n'avait ni les secours, que vous avez eus sans en profiter, ni les exemples que vous avez connus sans les suivre. Vous citez de temps en temps la *Bibliothéque Orientale* ; ce livre aussi profond qu'agréable aurait pu vous servir de modèle. Mais vous étiez résolu d'être un *original*.

De plus, ſavez-vous que le Docteur Hyde compoſa une élégie Perſane ſur la mort du roi Guillaume III.? Ce petit poëme de treize diſtiques eſt imprimé en caractères anciens, dont il avait fait fondre des types. Vous n'aurez garde, Monſieur, de nous montrer vos élégies.

Revenons-en aux Guèbres. Vous avez rapporté de l'Inde des manuſcrits orientaux que l'Europe poſſédait déjà: mais vous n'avez pas cherché ceux dont elle avait beſoin. Vous n'avez point rapporté l'original du *Calîla va Demna*, livre charmant, écrit en Indien, et traduit dans toutes les langues connues ſous le nom de *Fables de Pilpai*; ni la traduction du même ouvrage en Pehlevi, faite dans le ſixième ſiècle par l'ordre du roi Nouchirvan. Nous avons une traduction Arabe, faite à la lettre ſur cette dernière, avec le ſecours de laquelle (ſi l'on avait les deux autres manuſcrits) on pourrait apprendre quelque partie des langues Sanſcrite, et Pehlevanique, ſi quelqu'un était aſſez oiſif pour entreprendre cette tâche.

Vous n'êtes pas trop exact même dans les titres de vos manuſcrits; 1. Celui nommé *Tohfat el Irakein*, ou *Le Don des deux Iraques*, n'eſt pas, comme vous l'annoncez, l'hiſtoire de deux rois Irakiens, mais une deſcription poëtique des rivières, montagnes, prairies, &c. dans les deux provinces nommées Iraques, c'eſt-à-dire l'ancienne Babylonie, et la Parthie: 2. Le poëte Hafez n'était point le couſin germain, ni même le contemporain de Sadi, attendu qu'il mourut dans l'an de notre ère 1394, et que Sadi était né en 1175, et par malheur pour votre calcul, avait vecu ſeulement ſix-vingts ans: 3. *Les Contes du Perroquet* étaient compoſés par un natif de Nakhſheb, ville de la Tranſoxane, qui par conſéquent eſt ſurnommé *Nakhſhebi*, et non *Nakhſhi*, comme vous l'appelez..

Voilà

Voilà réellement des minuties ; mais à l'exemple du traducteur du *Zende Vasta*, on se réserve le droit d'être quelquefois ennuyeux.

Passons à votre second volume, dans lequel vous annoncez la vie d'un grand législateur, et vous débutez par des contes, que le sage dervis, auteur des *Mille et un Jour*, aurait rougi d'insérer parmi les siens. Ciel ! que de remplissages ! On voit d'abord des *notices* assommantes de vos manuscrits, dont vous avez déjà parlé mille fois ; puis cent pages de *sommaires* de tout l'ouvrage, que personne ne lira, et dont nous ne on seillons la lecture à personne.

La seule chose curieuse qu'on trouve dans vos *notices*, y est à votre insçu, et par hazard. Vous abrégez à votre façon un conte Persan, dans lequel un magicien puissant menace de tuer un philosophe, s'il ne répond pas à toutes ses questions. Il lui demande *ce que c'est que le beau sexe désire le plus :* l'autre répond que c'est *la tendresse d'un amant*. Le magicien appelle sa femme pour décider de la vérité de cette réponse: elle veut sauver la vie au philosophe, et lui révèle le secret du magicien en lui avouant que le souverein bonheur de son sexe consiste *à être obéi, et à exercer le pouvoir*. Or, comme on voit d'abord que cette idée orientale a fourni le sujet d'un agréable conte à notre Chaucer, on peut supposer qu'il l'avait prise des Provençaux dans un temps, où les livres Asiatiques commençaient à être connus en Europe.

Vous étalez le mérite de vos recueils Persans, qu'il vous plaît d'appeler *Ravaát*, mot Arabe, et par conséquent très-moderne en Perse, qui signifie *traditions*. Ces recueils ne sont pas rares. M. Fraser en avait rapporté un de l'Inde, qui est plus étendu que le vôtre, quoique vous affectiez d'en parler avec mépris. Cet Ecossais, Monsieur, qui savait le Persan moderne pour le moins aussi bien que vous, annonce son manuscrit dans sa liste imprimée, comme un recueil de toutes les traditions authentiques

authentiques touchant les lois de Zoroaſtre. *Lucius ait*; *Fannius negat*: *utri creditis, Quirites?*

On n'aura garde de mentionner ici toutes vos bévues : mais on en relèvera quelques-unes, peu importantes, à la vérité, mais telles qu'un ſavant aurait dû éviter. Le Docteur Darab aurait pu vous dire, Monſieur, que *Zohoré* n'eſt pas le nom de Jupiter, ni *Moſchteri* celui de Venus. Vous avez tranſpoſé les noms de ces deux planètes : *Zohora*, qui ſignifie *lumineuſe* en Arabe, eſt celle que nous nommons Venus, à laquelle les poëtes orientaux donnent un des attributs de l'Apollon des Grecs, celui de porter une harpe, et de la pincer délicieuſement. Venus eſt donc ſelon eux la déeſſe de la muſique; et dans ce ſens les Français ne ſont pas nés ſous cette planète.

Vous confondez les mots *Iran*, et *Arran*, qui n'ont pas la même orthographe en Perſan *. Vous parlez de *l'Iran proprement dit*. Sachez qu'il n'y a point d'*Iran improprement dit*. Le pays d'*Arran* faiſait partie de l'ancienne Médie; les géographes Aſiatiques le joignent ſouvent avec *l'Azarbigian*. *L'Iran*, ou *l'Airan*, écrit avec un A et un I, eſt le nom général de l'empire des Perſans, oppoſé à celui des Tartares, ou le Touran.

Nous obſervons que dans vos citations des prétendus livres Zendes, vous faites uſage du mot *Din* pour ſignifier la loi et la religion. Or ce mot eſt purement Arabe, et par conſéquent ne pouvait pas ſe trouver dans un livre Zende. Nous ſoupçonnons que vos Guèbres reſſemblent à ces Bohèmes vagabonds, qui prétendent ſavoir la langue ancienne de l'Egypte, en tirent une horoſcope pour deux ſous.

On peut ajouter que la plus grande partie de votre vie de Zoroaſtre

* Irán ايران Arrán ارّان

eſt

eſt tirée ou des livres Perſans, que nous avons déjà, ou de la traduction de quelques livres Grecs, que nous ſerions bien aiſes de n'avoir jamais eus ; et que ce légiſlateur, ſi votre narré eſt vrai, était le plus déteſtable de tous les hommes.

Nous venons, Monſieur, à votre fameuſe traduction ſur laquelle vous fondez toute votre gloire.

Le premier ouvrage que vous nous offrez n'eſt qu'une liturgie ennuyeuſe, avec le détail de quelques cérémonies abſurdes. Voici le ſtyle de ce livre inintelligible. " *Je prie le Zour, et je lui fais ieſcht. Je prie le* " *Barſom, et je lui fais ieſcht. Je prie le Zour et je lui fais ieſcht. Je prie* " *le Zour avec le Barſom et je lui fais ieſcht. Je prie le Barſom avec le* " *Zour, et je lui fais ieſcht. Je prie le Zour ſur le Barſom, et je lui fais* " *ieſcht. Je prie le Barſom ſur ce Zour, et je lui fais ieſcht. Je prie le* " *Zour ſur ce Barſom, et je lui fais ieſcht*, &c. &c." Il eſt bon d'avertir ici que le *Zour* n'eſt que de l'eau, et que le *Barſom* n'eſt qu'un faiſceau de branches d'arbres. Zoroaſtre ne pouvait pas écrire des ſottiſes pareilles. C'eſt, ſans doute, la rapſodie de quelque Guèbre moderne.

Ce qui nous confirme dans cette idée, c'eſt que vous mettez à la marge les mots *pargard awel* pour ſignifier *premiere ſection*. Or ce mot *awel* eſt Arabe, et Zoroaſtre ne ſavait pas la langue Arabe. Vous citez ſouvent les mots de cette langue, pour de l'ancien Zende ; comme *nekáh*, *mariage*, *tavhid*, *déclaration de l'unité de Dieu*, et *tâvidh*, un *préſervatif*, qui ne ſont que de ſimples gérondifs Arabes. Dans votre traduction des *Ieſchts Sadés*, manuſcript Zende, vous avez l'effronterie de faire mention de *Nouſchirvan Adel*, qui régnait à la fin du ſixième ſiècle, et dont le titre d'*Adel* ou *Le Juſte* lui fut donné par Mahomet. Voilà votre ancienne langue de Perſe.

On

On fera grâce au lecteur du reste de votre traduction, qui ne dit rien ni au cœur ni à l'esprit. Tout votre *Zende Vasta* n'est qu'un tissu d'exclamations puériles, si nous en exceptons le *Vendidad*, ou *Pazend*, qui seul a quelque air d'authenticité : encore n'est-ce, selon vous, que la vingtième partie de l'ancien livre de Zoroastre. Nous demandons, Où sont les autres parties ?

Il faut vous demander encore pourquoi les Persans eux-mêmes disent unanimement que Zoroastre publia trois ouvrages, le *Zende*, ou *le livre de vie*, le *Pazend*, ou la *confirmation* de ce livre, et le *Vasta*, ou *Avesta*, qui en était la *glose ?* * Les Persans étaient, sans doute, à portée de savoir la vérité de ce qu'ils avançaient. Il faut ajouter foi à leur témoignage.

Nous dirons en passant que vous n'êtes pas le premier qui nous ait enseigné que les livres de Zoroastre étaient écrits dans un ancien dialecte de la Perse, différent du Pehlévanique. M. d'Herbelot le dit dans l'article *Usta* de sa *Bibliothéque Orientale*, livre, qui fait beaucoup d'honneur à votre nation, et que vous citez très-souvent sans en faire votre profit.

Les vingt-deux chapitres de votre *Pazend*, quoique, peut-être, plus anciens que le reste de l'ouvrage, sont de si peu au-dessus de *l'Izeschné*, et *Vispered*, que ce n'était certainement pas la peine de les publier. Ils ne contiennent rien qui réponde au caractère de philosophe et de legislateur. Nous en citerons seulement la description du chien ; et si, après cette absurde rapsodie, la plus intelligible, et la plus importante partie du livre, le lecteur veut le lire en entier, il a du courage. Voici donc Zoroastre, qui parle par son *bel* interprète.

* En Persan, زند , پازند , واستا

Le

Le chien a huit qualités: il est comme l'Athornè (le prêtre), il est comme le militaire, il est comme le laboureur principe de biens, il est comme l'oiseau, il est comme le voleur, il est comme la bête féroce, il est comme la femme de mauvaise vie, il est comme la jeune personne. N'est-ce pas là un beau groupe! mais il nous faut des détails: oh! nous en aurons de vraiment sublimes. Ecoutons.

Comme l'Athornè, le chien mange ce qu'il trouve; comme l'Athornè il est bienfaisant et heureux; comme l'Athornè, il se contente de tout; comme l'Athornè, il éloigne ceux qui s'approchent de lui: il est comme l'Athornè. Voilà ce qui s'appelle une précision géométrique dans les formes. Il y a seulement quelque petit manque de sens commun dans la démonstration; mais cela est bien racheté par la manière fine et élégante dont Zoroastre satirise les prêtres: et ces paroles, *il mange ce qu'il trouve*, sont fort énergiques. Au reste on voit que le ton poli a été long-temps avant nous de donner le titre de *chien* très-libéralement.

Le chien marche en avant comme le militaire; il frappe les troupeaux purs en les conduisant comme le militaire; il rôde devant, derrière les lieux comme le militaire: il est comme le militaire. Il y a bien des guerriers qui ne trouveraient pas la comparaison flatteuse. Monsieur le traducteur, en connaissez-vous, qui s'en accommoderaient?

Le chien est actif, vigilant, pendant le temps du sommeil, comme le laboureur principe de biens; il rôde devant, derrière les lieux, comme le laboureur principe de biens; il rôde derrière, devant les lieux, comme le laboureur principe de biens: il est comme le laboureur. Devant, derrière, derrière, devant——Répétition gracieuse et emphatique!

Comme l'oiseau le chien est gai; il s'approche de l'homme comme l'oiseau; il se nourrit de ce qu'il peut prendre comme l'oiseau: il est comme l'oiseau.

De

De la même manière on peut prouver que le chien reſſemble à tous les animaux de l'hiſtoire naturelle de M. Buffon. Le ſinge ſe nourrit de ce qu'il peut prendre, le chat de même, l'écureuil de même, et tous les animaux de même. Ergo, le chien reſſemble à tous les animaux. Ah, la belle choſe que la logique Perſane ! Si celui qui nous la rend ſi éloquemment voulait en tenir école, et en *imprégner l'air à la ronde*, quel ton léger ne ſerait pas ſubſtitué à la pédanterie Latine et Grecque ?

Le chien agit dans l'obſcurité comme le voleur; *il eſt expoſé à ne rien manger comme le voleur*; *ſouvent il reçoit quelque choſe de mauvais comme le voleur*; *il eſt comme le voleur*. Le pauvre chien commence à perdre dans les parallèles ! mais malgré la bonne intention de Zoroaſtre en ſa faveur, y avait-il beaucoup gagné ?

Le chien aime à agir dans les ténèbres comme la bête féroce; *ſa force eſt pendant la nuit, comme la bête féroce : quelquefois il n'a rien à manger comme la bête féroce*; *ſouvent il reçoit quelque choſe de mauvais comme la bête féroce*; *il eſt comme la bête féroce*. Tournûres à chaque inſtant nouvelles et agréables ! Ne riez pas, lecteur : reſpectez l'antiquité ; admirez tout dans Zoroaſtre.

Le chien eſt content comme la femme de mauvaiſe vie; *il ſe tient dans les chemins écartés comme la femme de mauvaiſe vie*; *il ſe nourrit de ce qu'il peut trouver comme la femme de mauvaiſe vie : il eſt comme la femme de mauvaiſe vie*. Le philoſophe voulait prouver qu'il connaiſſait parfaitement tous les états ! Qu'importe que ce fût aux dépens du chien et de la raiſon ? mais patience ! Voici ſa dernière comparaiſon pour le moins auſſi juſte que toutes les autres.

Le chien dort beaucoup comme la jeune perſonne; *il eſt brûlant et en action*

action comme la jeune perſonne ; il a la langue longue comme la jeune perſonne ; il court en avant comme la jeune perſonne. Tels ſont les deux chefs que je fais marcher dans les lieux, ſavoir, le chien Peſoſchoroun et le chien Veſchoroun, &c.

Ormuzd, grand Ormuzd, principe de tous biens parmi les Guèbres, ſi tu as dicté cette *chienne* de deſcription à Zoroaſtre, je ne te fais pas *ieſcht* ; tu n'es qu'un ſot Génie ; peut-être, *au teint de lis et de roſes*, mais ſurement ſans cervelle !

Vous voyez, Monſieur, que le mal ſe gagne ; nous donnons à notre tour dans les exclamations : aimeriez-vous mieux ce dilemme ? Ou Zoroaſtre n'avait pas le ſens commun, ou il n'écrivit pas le livre que vous lui attribuez : s'il n'avait pas le ſens commun, il fallait le laiſſer dans la foule, et dans l'obſcurité ; s'il n'écrivit pas ce livre, il était impudent de le publier ſous ſon nom. Ainſi, ou vous avez inſulté le goût du public en lui préſentant des ſottiſes, ou vous l'avez trompé en lui débitant des fauſſetés : et de chaque côté vous méritez ſon mépris.

Nous croirons plutôt les Guèbres eux-mêmes, lorſqu'ils nous aſſurent que les livres de leur légiſlateur furent brûlés par Alexandre. Nous ſavons d'ailleurs que les Rois de la famille Saſſanienne ramaſsèrent tous les anciens livres qu'ils pouvaient trouver, et que les généraux d'Omar les firent preſque tous détruire, ſelon les ordres que ce Calife avait reçus de Mahomet. Les Mahométans, tolérans pour toutes les autres religions, ſont intolérans pour les idolâtres, et les adorateurs du feu ; et ſi quelques familles de ces malheureux trouvèrent le moyen de ſe retirer dans l'Inde, ils ne purent conſerver que quelques traditions imparfaites au ſujet de leurs anciennes lois.

Tels ſont les livres que vous allâtes chercher à Surate. Ils ſont aſſez barbares en eux-mêmes, et ils n'ont pas gagné dans votre barbare tra-

duction. Tout votre livre eſt ſi bigarré de mots étrangers qu'il eſt néceſſaire de ſavoir un peu le Perſan pour comprendre votre Français. Votre ouvrage a l'air d'un grimoire, mais on y voit bien que vous n'êtes pas *ſorcier*.

On ne dira rien des obſcénités qui ſont prodiguées dans quelques paſſages de vos prétendues lois, leſquelles vous rendez plus dégoûtantes, s'il eſt poſſible, par vos notes. On aurait cru que le précepte *vitanda eſt rerum et verborum obſcœnitas* regardait ſur-tout les ouvrages de morale, et de religion. Mais vous faites dire au bon principe des Guèbres des ſaletés qu'une ſage-femme rougirait de répéter parmi ſes commères. *Vous ne ſavez*, dites-vous, *comment les exprimer honnêtement*. Eh! pourquoi les exprimer du tout? C'était pour faire voir combien vous poſſédiez votre Perſan.

Quand aux vocabulaires que vous avez traduits, il faut avouer que le révérend Docteur Darab a dû ſavoir les langues ſacrées de ſa nation: mais lorſque nous voyons les mots Arabes corrompus *Dunia* et *Akhré* les deux mondes, *Malke* un roi, *Zemán* le temps, *Ganm* animal de bétail, *Damme* ſang, *Sanat* année, *Ab* père, *Am* mère, *Awela* d'abord, *Shemſia* le ſoleil, *La* non, et quelques autres, donnés pour des mots Zendes et Pehlevis, ainſi que *Baki* le reſte, *Tamám* accompli, &c. pour du Parſi, nous diſons hardiment que ce charlatan vous a trompé, et que vous avez tâché de tromper vos lecteurs.

Nous croyons ici entrevoir la vérité. Vous n'avez appris qu'un peu de Perſan moderne, et encore moins de l'ancien; et vous avez traduit ces malheureux livres Zendes, avec le ſecours de ce Guèbre, qui ne les entendait probablement lui-même que très-imparfaitement. Vous avez fait en cela comme un homme que nous connaiſſons, qui traduiſait les poëmes Arabes les plus difficiles ſous les yeux d'un natif d'Alep,

d'Alep, tandis qu'il ne pouvait pas lire le premier chapitre de l'Alcoran ſans ce ſecours; et vous êtes ſemblable à un enfant qui flotte ſur des veſſies enflées, et ſe perſuade qu'il nage à merveille.

Mais ſouvenez-vous qu'un écolier qui apprend le Latin ne s'aviſe pas de faire imprimer ſa nomenclature? Souvenez-vous auſſi qu'un vocabulaire n'eſt pas plus une langue, qu'une pierre eſt un château. Il n'y a rien de ſi facile que d'étaler une vaine érudition. Nous connaiſſons des auteurs qui citent l'original des livres Chinois ſans pouvoir lire trois caractères de cette langue. M. Fourmont, qui compila une grammaire de la langue Chinoiſe à l'aide d'un natif de Peking, n'était pas capable, peut-être, de traduire les Chi-king ou trois cents Odes, dont une, qui eſt très-belle, eſt citée par Confucius. Il ſerait à ſouhaiter que M. de Guignes voulût employer ſes loiſirs à traduire ces anciens poëmes, qui ſont à la Bibliothéque du Roi de France, au lieu de s'occuper à publier les traductions du P. Gaubil, qui d'ailleurs ſont très-curieuſes, et très-authentiques.

Le reſte de votre ouvrage contient quelques traités aſſommans, un *précis raiſonné* où l'on ne trouve ni préciſion ni raiſon, avec une table très-étendue des matières, que peu de perſonnes s'aviſeront de conſulter.

Nous avons expoſé la quinteſſence de vos trois énormes volumes, deſquels un homme de goût, qui aurait poſſédé ſa langue, aurait pu faire un *in-douze* aſſez amuſant.

Il réſulte, Monſieur, de tout ceci, ou que vous n'avez pas les connaiſſances que vous vous vantez d'avoir, ou que ces connaiſſances ſont vaines, frivoles, et indignes d'occuper l'eſprit d'un homme de quarante ans.

Vous

Vous insinuez que vous avez quelque dessein de retourner à l'Inde pour y traduire les livres sacrés des Brahmanes. Oh! pour l'amour de vous-même, et pour celui du public, ne songez plus à ce projet. Votre description des *Linganistes* ne nous donne pas une idée trop avantageuse des philosophes Indiens. D'ailleurs n'est-ce pas assez d'avoir traduit le Zende Vasta?

Croyez-nous, Monsieur, employez mieux votre temps: cessez de médire, et de calomnier des hommes qui vous ont rendu service: cessez de vous infatuer des extravagances d'une misérable secte d'enthousiastes: mettez dans la bibliothéque de votre roi tout ce qu'il vous plaira; mais ne présentez au public que l'extrait le plus pur de vos écrits. Souvenez-vous surtout de ce couplet du poëte Sadi,

اگر صد سال گبر آتش فروزد
اگر یکدم در او افتد بسوزد

Quand même le Guèbre aurait entretenu son feu pendant cent années, dès qu'il y tombe, il s'y brule.

Vous nous pardonnerez de n'avoir pas lu les mémoires que vous avez insérés dans le *Journal des Savans*, et ailleurs. En vérité nous n'en avons pas eu le courage.

Au reste, Monsieur, ne croyez pas que celui qui vous écrit cette lettre, ait l'intention de vous nuire en la publiant. Il s'est cru obligé de répondre à vos satires, comme on chasse un frelon qu'on voit bourdonnant autour d'un ami, sans pourtant aimer ni haïr le pauvre insecte, qui est hors d'état d'être réellement nuisible à personne.

Il est, cependant, fâché de savoir que *vous n'êtes pas plus opulent*. Le fameux

fameux Antiquaire, au ſujet duquel vous vous ſervez de ces mêmes mots, n'a pas tant de raiſon que vous, Monſieur, de ſe conſoler des rigueurs de la fortune : il n'eſt riche ni en manuſcrits Zendiques, ni en mots barbares, ni en orgueil.

Mais comme vous avez votre vanité, qu'on vous paſſe ſans peine, ſouffrez, Monſieur, que l'inconnu qui veut bien accorder l'honneur d'une critique à votre livre, ait auſſi la ſienne, et ne mette dans le frontiſpice de cette brochure que les lettres initiales de votre nom. Il ignore ce que le public en penſera, et s'il ne condamnera pas cet examen au moins comme inutile. Mais quoi qu'il en ſoit, il n'a pas jugé à propos de chercher un abri pour la foudre ſous vos lauriers.

Pour la même raiſon, permettez qu'il vous cache ſon nom ; d'autant plus qu'il n'aſpire pas à former une correſpondance avec vous ; et que, ſi vous répondez à ſa lettre, il eſt réſolu de ne point faire de réplique. Tout ce que vous en ſaurez eſt ceci : il n'eſt, grâces au ciel et à la nature, ni Guèbre ni Français, quoiqu'il reſpecte la mémoire du véritable Zoroaſtre, et qu'il connaiſſe bien des Français dignes d'eſtime. Il n'eſt d'aucun pays, quand il s'agit des ſciences et des arts, qui ne ſont d'aucun pays. Mais quand il eſt queſtion de la gloire de ſa patrie, il eſt prêt ou à la défendre ou à la venger. Enfin, Monſieur, vous devez lui ſavoir bon gré de vous avoir écrit dans une langue qui ne lui eſt pas naturelle, uniquement parce que vous la ſavez un peu.

END OF THE FOURTH VOLUME.